



## A COLLAGE ON AIRCRAFT HIJACKING AND RELATED OFFENCES\*

*Hijacking is touted as aerial piracy and is generally accepted as inimical to the interests of international community. The Tokyo Convention, the Hague Convention, the Montreal Convention, its Protocol of 1988 and yet to be ratified Beijing Convention have gradually puffed up the offence of hijacking and related practices by regular snowballing of their constituents. As everybody is hobnobbed with the fact that air transport is the safest mode of travel, hence, to retain this virtue, the organizations like International Civil Aviation Organization (ICAO) have been brought forth under the Chicago Convention to act as a forum for making consistent efforts for maintenance of civil aviation safety, sustainability and standards. Currently, any unlawful interference with the civil aviation is criminalized thereby indicating minimal interference for upholding of the security interests in aerial navigation. Next, the eventuality of aerial incidents among the nation states and the proceedings followed thereon in international forums have affirmed the belief that countries are inclining more towards peaceful settlement of aviation disputes and therefore, are on bended knees towards the international aerial navigation norms.*

Law regulating air space is in the ascendant and has assumed new dimensions due to the increasing activity of aviation or air transportation. Therefore, naturally, the aeronautical law has acknowledged the emergence of many conventions and treaties governing the air space. For regulation of the aerial navigation, some fundamental international instruments have been entered into, specifically, the Paris Convention of Aerial Navigation, 1919;<sup>[1]</sup> the Havana Convention, 1928;<sup>[2]</sup> the Convention for the Unification of Certain Rules relating to

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<sup>1</sup> The Convention Relating to the Regulation of Aerial Navigation Signed at Paris, October 13, 1919. Spacelaw (December 24, 2016, 7:20 a.m.), [http://www.spacelaw.olemiss.edu/library/aviation/IntAgr/multilateral/1919\\_Paris\\_convention.pdf](http://www.spacelaw.olemiss.edu/library/aviation/IntAgr/multilateral/1919_Paris_convention.pdf).

<sup>2</sup> The Pan- American Convention on Air Navigation of February 20, 1928.

International Carriage by Air or Warsaw Convention, 1929;<sup>[3]</sup> the Chicago Convention on International Civil Aviation, 1944;<sup>[4]</sup> the Chicago International Air Services Transit Agreement, 1944;<sup>[5]</sup> the Chicago International Air Transport Agreement, 1944;<sup>[6]</sup> the Geneva Convention on the International Recognition of Rights in Aircraft, 1948;<sup>[7]</sup> the Rome Convention on Damage Caused by Foreign Aircraft to Third Parties on the Surface, 1952;<sup>[8]</sup> the Protocol to Amend the Convention for the Unification of Certain Rules relating to International Carriage by Air, 1955.<sup>[9]</sup> Foremost importance amongst these has been attached to the Convention on International Civil Aviation, 1944<sup>[10]</sup> the preamble of which asserts the need to withhold friction and to build up cooperation amongst the nations and peoples by adherence to certain principles and arrangements for the advancement of international civil aviation. Article 1 of this Convention postulates the fact that every state has full and exclusory sovereignty over the air space above its territory. Article 3(a) assigns its application only to the civil aviation whereas Article 3(c) insists upon authorization by special agreement or otherwise for flying over the territory of another state. Article 3 *bis* sets down on behalf of every state that that there shall be no use of weapons against a civil aircraft in flight and in case of interception, the lives of persons and security of aircraft would be kept intact. Article 17 lays down that the nationality of the aircraft would be determined by the State of its registry. Article 18 further puts a bar on dual registry of one aircraft however, it allows the change in its registration from one state to another. Part II of this Convention through Article 43 speaks about the International Civil Aviation Organization (ICAO) with enunciation of its aims and objectives under Article 44. Article 48 professes about the Assembly of International Civil Aviation Organization and Article 50 mentions about the Council of the International Civil Aviation Organization. Article 89 of this Convention declares that in case of war, the provisions of this Convention shall not restrain the affected states to take necessary action and so is the case with the state declaring national emergency and notifying it to Council of the International Civil Aviation Organization.

<sup>3</sup> Signed at Warsaw on 12<sup>th</sup> October, 1929. Dgca (December 24, 2016, 7:30 a.m.), [http://www.dgca.nic.in/int\\_conv/Chap\\_VI.pdf](http://www.dgca.nic.in/int_conv/Chap_VI.pdf).

<sup>4</sup> Convention on International Civil Aviation signed at Chicago on December 7, 1944. Icao (December 25, 2016, 7:35 a.m.), [http://www.icao.int/publications/Documents/7300\\_orig.pdf](http://www.icao.int/publications/Documents/7300_orig.pdf).

<sup>5</sup> Signed at Chicago on December 7, 1944. Dgca (December 24, 2016, 9:32 a.m.), [http://www.dgca.nic.in/int\\_conv/Chap\\_II.pdf](http://www.dgca.nic.in/int_conv/Chap_II.pdf). Dgca (December 24, 2016, 8:10 a.m.)

<sup>6</sup> Dgca (December 24, 2016, 8:36 a.m.), [http://www.dgca.nic.in/int\\_conv/Chap\\_III.pdf](http://www.dgca.nic.in/int_conv/Chap_III.pdf).

<sup>7</sup> Signed at Geneva on June 19, 1948. Mcgill (December 24, 2016, 6:08 p.m.), <http://www.mcgill.ca/iasl/files/iasl/geneva1948.pdf>. (December 24, 2016, 10:30 a.m.),

<sup>8</sup> Signed at Rome on October 7, 1952. Mmsgill (December 24, 2016, 6:49 p.m.), <http://www.mcgill.ca/iasl/files/iasl/rome1952.pdf>. (December 24, 2016, 10:33 a.m.),

<sup>9</sup> Signed at Warsaw on October 12, 1929 and done at the Hague on September 28, 1955. Mcgill (December 24, 2016, 10:55 a.m.), <http://www.mcgill.ca/iasl/files/iasl/hague1955.pdf>.

<sup>10</sup> (n 5).

Moving further, the crime of aircraft hijacking denotes taking an aircraft under control in an unauthorized manner with the use of force or threat of use of force. Many of the laws on aircraft hijacking do take into consideration the factors such as destroying, damaging or endangering the security of the aircraft<sup>[11]</sup> because many a times the attackers give themselves airs and perpetrate the act of capturing an aircraft in varied illegal manners.

The first significant attempt as respects making the security infringement of an aircraft an offence was made in form of the Tokyo Convention, 1963.<sup>[12]</sup> Under its Article 1, this Convention denominated all such acts as offences which might threaten the security of an aircraft or of persons or property therein. Besides, this Convention was limited in its scope of application in the sense that Article 3 of it ministered jurisdiction to that state only which had the registration of the aircraft with Article 4 allowing criminal jurisdiction to a contracting state only in certain circumstances viz., the offence making an effect on the territory of such state; commission of offence involving a national or permanent resident of such state; the offence threatening the security of such state; the offence being violative of any rules regarding the conduct of flight in such state and being under the force of an obligation arising out of any multilateral international agreement. Chapter III of this Convention from Articles 5 to 10 devolved extensive powers upon the Commander of an aircraft to ensure safety and security of the aircraft. Chapter IV further mentioned about 'unlawful seizure of aircraft' with Article 11 putting an onus on the contracting states to imply all appropriate measures to remand the aircraft to its lawful commander or to recommit it to his control. In addition, Chapter V specifies the powers and duties of the contracting states. Article 24 of the Convention suggests a resolution mechanism in respect of any dispute arising between the contracting states in respect of interpretation or application of the provisions of this Convention by recommending referral of such disputes to arbitration if these cannot be settled through negotiation and finally to turn to International court of Justice if the dispute still remains unsettled.

The next sequential convention on aircraft security is the Hague Convention, 1970,<sup>[13]</sup> the preamble of which vocalizes in clear terms that illegal seizure of an aircraft or grabbing of control over it imperils the safety of persons and property, traumatizes the maneuvering of air services with a consequent deadening in the confidence of the people in air transport. Article 1 of it criminalizes any act or an attempt accompanied by use of force or threat thereof to take

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<sup>11</sup> *Vide* section 2 of the Aviation Security Act, 1982 (UK). Ukpga (December 25, 2016, 3:45 p.m.), [http://www.legislation.gov.uk/ukpga/1982/36/pdfs/ukpga\\_19820036\\_en.pdf](http://www.legislation.gov.uk/ukpga/1982/36/pdfs/ukpga_19820036_en.pdf).

<sup>12</sup> Convention on Offences and Certain Other Acts Committed on Board Aircraft, it was signed at Tokyo on September 14, 1963. Dgca (December 25, 2016, 4:10 p.m.), [http://www.dgca.nic.in/int\\_conv/Chap\\_XVI.pdf](http://www.dgca.nic.in/int_conv/Chap_XVI.pdf).

<sup>13</sup> The Convention for the Suppression of Unlawful Seizure of Aircraft, signed at Hague on December 16, 1970.

control of an aircraft. Article 2 obliges all contracting states to stipulate stringent penalties for the commission of the offence described in Article 1. However, Article 3(2) of this Convention limits its application to civil aviation only, thereby excluding the state aviation, the latter consists of those aircrafts used in the military, police and customs services. Article 3(3) further requires for the application of this Convention that the place of take-off or the place of actual landing of the aircraft regarding which the offence is committed must be outwards the territory of the State of Registration of that aircraft, otherwise the State of registration of the aircraft would have been the state competent to prosecute the offender. Article 4 obliges all ratifying states to determine such provisions as would be necessary to affirm their jurisdiction over the offence subject to other provisions of the Convention. Next, Article 6 asks all ratifying states to take an offender immediately into custody as per their domestic law till such time as may be expedient for setting in motion any criminal or extradition proceedings. Article 8 of this Convention further facilitates extradition of offenders as under its provisions the offence would be deemed to be an extraditable offence in any extradition treaty in existence between the ratifying states. Article 10 appeals all ratifying states to put in for utmost support in respect of criminal proceedings for the commission of the offence detailed under this Convention. Article 11 mandates all contracting states to communicate to the International Civil Aviation Organization the information related to the set of circumstances leading to the commission of offence under this Convention, the efforts made to restore the aircraft to the its lawful position, the measures initiated towards prosecution of the offence of hijacking with outcome of such measures. Then, Article 12 suggests a resolution mechanism analogous to the Tokyo Convention of 1963 concerning any dispute arising between the contracting states in respect of interpretation or application of the Hague Convention by asking them to refer such dispute to arbitration and if still unsettled, then, to turn to the International Court of Justice.

Since the Hague Convention was silent on the acts of sabotage, the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, 1971 was adopted<sup>[14]</sup> which was based largely on the Hague Convention with provisions having comprehensive components for the punishment of offences committed in respect of civil aviation. Like, Article 1 of it terms anybody as an offender who carries out any violent activity on board an aircraft endangering the safety of the aircraft, destroys or damages the aircraft thereby rendering it unfit for flight, puts any device in the aircraft likely to endanger the safety of the aircraft, upsets the air navigation facilities or their operation therefrom incurring danger to the security

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<sup>14</sup> Under the auspices of International Civil Aviation Organization at Montreal in September, 1971. It became effective from January 26, 1973. UN treaties (December 26, 2016, 5:10 p.m.), <http://www.treaties.un.org/doc/Publication/UNTS/Volume%20974/volume-974-I-14118-English.pdf>.

of the aircraft and divulges information knowing it to be false thereby jeopardizing the safety of the aircraft in flight.

Furthermore, in 1988, a Protocol for the Suppression of Unlawful Acts of Violence at Airports serving International Civil Aviation<sup>[15]</sup> was brought as a supplement to the Montreal Convention of 1971. It explicitly makes punishable any act of violence at an airport potential enough to cause grave injury or death as well as any act of destruction or damage to the facilities of an airport thereby exposing the safety of the airport to risks.

After the Lockerbie incident,<sup>[16]</sup> the Convention on the Marking of Plastic Explosives for the Purpose of Detection<sup>[17]</sup> was entered into force in 1991 which upgrades aviation security by putting forward the measures for marking and detection of plastic explosives. It also calls upon the member states to hold in the production of unmarked plastic explosives.

Next, in 2010, the Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation<sup>[18]</sup> saw the light of the day in Beijing which modernized the 1971 Montreal Convention and the 1988 Protocol preventing violence at airports. Article 1 of this Convention gives word to a thorough definition of the term offence in regard to aircraft and furthers the earlier progress made with respect of punishment of such activities. Article (1)(f) of this Convention asserts about the use of an aircraft in service with a design to cause death, grave bodily injury or critical damage to property or the environment. Article 1 further encompasses the acts such as release or discharge from an aircraft any BCN (Biological, Chemical or Nuclear) weapon or explosive, the use against or on board an aircraft any BCN weapon or explosive, radioactive substance and transport through an aircraft of any BCN weapon or explosive, radioactive material. Article 5(2) further propounds that the Convention would apply only when the place of take-off or landing, actual or intended, of the aircraft is positioned outside the territory of the State of registry of that aircraft as well as the offence is carried out in the territory of a State other than the State of registry of the aircraft. Article 10

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<sup>15</sup> McGill (December 26, 2016, 6:10 p.m.), <http://www.mcgill.ca/iasl/files/iasl/montreal1988.pdf>.

<sup>16</sup> The Pan Am Flight 103 was a Pan Am transatlantic flight from Frankfurt to Detroit via London and New York, on 21 December, 1988, the aircraft N739PA got crashed due to a bomb resulting in 270 casualties which is known as the Lockerbie bombing. After a prolonged investigation, arrest warrants were issued against two Libyan nationals. UNAFEI (December 26, 2016, 11:16 p.m.), [http://www.unafei.or.jp/english/pdf/RS\\_No57\\_13VE\\_Plachta3.pdf](http://www.unafei.or.jp/english/pdf/RS_No57_13VE_Plachta3.pdf).

<sup>17</sup> Icao (December 26, 2016, 7:19 p.m.), [http://www.icao.int/secretariat/legal/Administrative%20Packages/mex\\_en.pdf](http://www.icao.int/secretariat/legal/Administrative%20Packages/mex_en.pdf).

<sup>18</sup> Not yet in force, signed at Beijing on September 10, 2010. Unodc (December 26, 2016, 9:43 p.m.) [http://www.unodc.org/tldb/en/2010\\_convention\\_civil\\_aviation.html](http://www.unodc.org/tldb/en/2010_convention_civil_aviation.html). However, before the Beijing Convention, another significant stride in international aviation standardization was in form of the Convention on International Interests in Mobile Equipment which was signed on November 16, 2001. Unidroit (December 26, 2016, 10: 57 p.m.), <http://www.unidroit.org/english/conventions/mobile-equipment/mobile-equipment.pdf>.

obliges the authorities of the State in which the alleged offender is found to initiate prosecution if it refuses to extradite the said person. Article 11 guarantees fair treatment to the person taken into custody for the commission of the offence under the provisions of the Convention. Article 14 sets a new trend in respect of extradition of persons for the alleged commission of offence under the Convention by making explicit that no state is obliged to extradite or let have legal assistance if it has considerable grounds to believe that the motive behind extradition is based on extraneous considerations. Article 16 insists upon the state parties to undertake every venture to deter the offences as mentioned in Article 1 of the Convention, where as Article 17 commands every State Party to assist one another in respect of criminal proceedings carried out as respects the offences enlisted under the Convention.

Moreover, section 3(1) of the Anti-hijacking Act, 2016<sup>[19]</sup> enacted by the Indian Parliament describes the act of hijacking in these words: “whoever unlawfully and intentionally seizes or exercises control of an aircraft in service by force or threat thereof, or by coercion, or by any other form of intimidation, or by any technological means, commits the offence of hijacking.”<sup>[20]</sup> The extent to which the Indian legislature is up against the hijacking and related practices can be appraised from the fact that the distinct patterns of hijacking have been expressly declared to be punishable viz., a threat to hijack, making an attempt or abetment of the act of hijacking and acting as an accomplice in the commission of hijacking. The Act under its section 4 provides for death penalty as a punishment if due to the immediate effect of the act of hijacking the resultant is the death of a hostage or of a security personnel or of any other person unconnected with the act of hijacking as well as for any other consequence of the act of hijacking, it prescribes life imprisonment for the rest of the offender’s natural life with confiscation of the person’s movable and immovable property. Moreover, hijacking and related practices have been described as extraditable offences under section 11 of the Act. Also, before the initiation of any prosecution under the Act, it has been mandated to obtain prior sanction of the central government.

Now let’s deliberate over some of the instances of hijacking and the proceedings commenced by the parties thereafter. In the context of India, the first case dates back to 1972 following the hijacking of an Indian aircraft to Pakistan. The legal relationship between the two countries with respect to aviation stands like this: Indian and Pakistan had been parties to the Chicago International Civil Aviation Convention, 1944 and the International Air Services Transit

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<sup>19</sup> This Act succeeds the Anti- Hijacking Act of 1982 and its preamble avers that fact of giving effect to the Convention for the Suppression of Unlawful Seizure of Aircraft, 1970. Indiacode (December 27, 2016, 10:05 a.m.), <http://www.indiacode.nic.in/acts-in-pdf/2016/201630.pdf>.

<sup>20</sup> Ibid.

Agreement thereby allowing right to overfly over the territories of each other. On 4 February, 1971 after an unauthorized diversion of an Indian plane to Lahore, India scrapped the right of Pakistan to overfly its territory, hence, on March 3, 1971 Pakistan went to the Council of the International Civil Aviation Organization making a complaint of the breach of the two agreements by India. But, India raised preliminary objections to the jurisdiction of the Council of the International Civil Aviation Organization, however, the Council of the International Civil Aviation Organization found itself competent to entertain the complaint made on behalf of Pakistan. Then, India appealed to the International Court of Justice where Pakistan made certain objections to the jurisdiction of the Court to hear the appeal setting forth certain grounds which in any case could not influence the Court to come to a conclusion that it had the requisite jurisdiction to entertain India's appeal. The Court however, found the ICAO Council had jurisdiction in the case and the Court had no interest in adjudging the exact extent of this jurisdiction of the Council.<sup>[21]</sup>

The next case regarding India refers back to the Aerial Incident of 1999 where Pakistan instituted proceedings against India pertaining to the destruction on 10 August, 1999 of a Pakistani aircraft. Pakistan put forward Article 36 of the Statute of International Court of Justice and the declarations whereby the two countries had acknowledged the compulsory jurisdiction of the Court. However, India raised primary objections to the Court's jurisdiction on the grounds firstly, that there was no applicable treaty or Convention between the two countries on the basis of which jurisdiction could be conferred on the Court under Article 36(1) of the Statute of International Court of Justice and secondly, that Pakistan did not notice the reservations appended to the Declaration of India by virtue of which all disputes involving India were excluded from the jurisdiction of International Court of Justice in respect of any state being the member of Commonwealth of Nations as well as thirdly, that its Declaration of 15 September, 1974 ruled out any claim from Pakistan asserting the jurisdiction of the Court against India in any dispute regarding the interpretation or application of a multilateral treaty unless all the parties to such treaty were also enjoined as parties to the case before the Court. The Court after scrutinizing the contentions of both the parties determined that it had no jurisdiction to entertain the case put before it.<sup>[22]</sup>

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<sup>21</sup> Summary of the judgment is available at: Icj-cij (December 27, 2016, 2:05 p.m.), <http://www.icj-cij.org/docket/index.php?sum=297&code=ip&p1=3&p2=3&case=54&k=78&p3=5>.

<sup>22</sup> Basic arguments handed out by the parties are available at: Icj-cij (December 27, 2016, 7:40 p.m.), <http://www.icj-cij.org/docket/index.php?sum=585&p1=3&case=119&p3=5>.

Yet another remarkable case on aviation disputes is the Aerial Incident of 27 July 1955;<sup>[23]</sup> where the Government of Israel made an application to the International Court of Justice calling in Article 36 of the Statute of International Court of Justice in the matter of the destruction of an Israeli aircraft by the Bulgarian anti-aircraft. In response, the Bulgarian government filed preliminary objections viz., Article 36, paragraph 5 of the Statute of International Court of Justice in no way transferred the effect of its Declaration of acceptance of compulsory jurisdiction signed in 1921 to the jurisdiction of the International Court of Justice. The Court acceded to this contention forwarded on behalf of Bulgaria by concluding that Article 36 paragraph 5 was not applicable to the Bulgarian Declaration of 1921, hence, the Court maintained that it had no jurisdiction to settle the matter brought before it.

Another instance relates to the *Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie*<sup>[24]</sup> or the *Libyan Arab Jamahiriya V. United Kingdom* in which on 3 March, 1992, Libya filed an Application before the International Court of Justice instituting proceedings against the United Kingdom regarding the interpretation or application of the Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation of 1971 putting forth Article 14, paragraph 1 of it as the basis of the jurisdiction of the Court in the matter relating to the destruction of the Pan Am flight 103 over the town of Lockerbie, Scotland causing the death of 270 people as well as in respect of the charges levied against the two Libyan nationals believed to have placed a bomb aboard the aircraft which caused explosion thereby destroying the aircraft. Libya also requested the Court for indication of Provisional Measures under Article 41 of the Statute of International Court of Justice which was turned down by the Court after hearing the parties. Then Libya asked the Court to declare on the merits of the case firstly, that the Montreal Convention was applicable to the dispute; secondly, that Libya had been in full agreement with all the obligations arising under the Montreal Convention and hence, had every right to prosecute the two Libyan nationals in its own courts; thirdly, that the United Kingdom was in breach of its legal obligations to Libya under Article 5, paragraph 2 & 3; Article 7; Article 8, paragraph 3 and Article 11 of the Montreal Convention and fourthly, that the United Kingdom was under a legal obligation to respect the rights of Libya arising under the Charter of the United Nations as

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<sup>23</sup> *Israel V. Bulgaria*, Preliminary Objections, Judgment of 26 May 1959, ICJ Reports 1959. Icj-cij (December 28, 2016, 7:00 a.m.), <http://www.icj-cij.org/docket/index.php?sum=154&p1=3&p2=3&case=35&p3=5>.

<sup>24</sup> *Libyan Arab Jamahiriya V. United Kingdom*, Preliminary Objections, Judgment of 27 February 1998, ICJ Reports 1998. Icj-cij (December 28, 2016, 12:30 p.m.), <http://www.icj-cij.org/docket/index.php?sum=460&p1=3&p2=3&case=89&p3=5>.

*Libyan Arab Jamahiriya V. United States*, Preliminary Objections, Judgment of 27 February 1998, ICJ Reports 1998. Icj-cij (December 28, 2016, 2:30 p.m.), <http://www.icj-cij.org/docket/index.php?sum=460&p1=3&p2=3&case=89&p3=5>.

well as to maintain the sovereignty, territorial integrity, sovereign equality and political independence of Libya by not resorting to the use of force. In response, United Kingdom requested the Court to show its lack of jurisdiction in respect of claims brought by Libya and henceforth, to dismiss the Libyan claims accordingly. The International Court of Justice anyway rejected arguments submitted by the United Kingdom and established its jurisdiction over the dispute. Again, in *Libyan Arab Jamahiriya V. United States*, Libya averred before the Court that United States could not press it to hand over the two Libyan nationals suspected of working up destruction to the Pan Am flight 103 over the town of Lockerbie, Scotland causing thereby the death of 270 people and that the Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation of 1971 allowed it to prosecute the suspects in its national courts. In response, United States firstly objected to the assumption of jurisdiction by the Court by alleging a threat to international peace and security from the state sponsored terrorism and hence, finding no bilateral dispute with Libya and secondly, it pleaded the Security Council Resolutions 748 (1992) and 883 (1993) which would gain priority by virtue of Articles 25 and 103 of the United Nations Charter over any of the rights and obligations arising out of the 1971 Montreal Convention as contended by Libya as well as thirdly, that by taking the matter to International Court of Justice, Libya's intention was to vitiate the Security Council's actions. The Court however, negated all of the objections to its jurisdiction advanced on behalf of United States of America and established its jurisdiction by setting forth the reasoning that the parties were at difference over the application of Montreal Convention to the dispute with a simultaneous disagreement existing over the interpretation of Articles 7 and 11 of the Convention as well as that the Security Council Resolutions being made after the filing of application to International Court of Justice by Libya and finally, that to accept that there was no bilateral dispute with Libya but a threat to world as a whole would tantamount to ruling on merits of the case and thereby affecting Libya's rights.

Thereafter, it is pertinent to mention the Aerial Incident of 3 July, 1988<sup>[25]</sup> where the dispute had arisen over the destruction of an Iranian aircraft by the United States killing its 290 passengers and crew by two surface to air missiles. Hence, Government of Iran sought relief from the International Court of Justice on the basis of Article 84 of the Convention on International Civil Aviation, 1944 and Article 14 of the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation of 1971. In response, United States of America filed preliminary objections to the jurisdiction of the Court. However, after many

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<sup>25</sup> *Islamic Republic of Iran V. United States of America*, Order of 22 February 1996, ICJ Reports 1996. Icj-cij (December 28, 2016, 11:50 p.m.), <http://www.icj-cij.org/docket/?p1=3&p2=3&code=irus&case=79&k=9c>.

rounds of hearings, both the parties preferred negotiation for the full and final settlement of the dispute and thence, discontinued the proceedings in the International Court of Justice.

While summing up, it must be noticed that since the acts in the nature of hijacking can give any passenger a bad quarter of an hour with bated breath, such a framework of laws as specified above has worked like a beaver to deter interferences with civil aviation. This figuration of Conventions, Protocols and Agreements makes known the belt and braces of anti-hijacking international law which ask the hijackers to give the act of hijacking a wide berth under various provisions of these legal instruments. In context of India, which is poised to be the third largest aviation market by 2020 and the largest by 2030, the enactment of the Anti- Hijacking Act in 2016 having a broadened scope of the offence of hijacking has battened down the hatches of insecurity in aerial transportation. The latest Beijing Convention has also unrolled new categories of acts within the perimeter of the term offence under the Convention keeping in mind the danger posed to aviation security by the new technological developments.

The instances like 9/11 had posed a question mark on the use of aircraft and in fact, kindled world over debates related to security problems. Also, these sparked many legal, political and strategic paradoxes amongst the nation states world over. Hence, under the auspices of International Civil Aviation Organization, there is a need to arrange better understanding of the provisions related to aviation security and only the concerted efforts by the member states have the capability to ensure safe passage by air. Moreover, the aforementioned structure to deal with aircraft hijacking and aviation terrorism assures that the regulators of air space are not asleep to the back door practices adopted by the offenders and the contracting states to aerial Convention can feel the offenders' collar like a bird in hand.

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