CHAPTER THREE

HIJACKING OF AIRCRAFT: THREAT TO PEACE AND SUSTAINABLE DEVELOPMENT

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Introduction

One of the fastest growing transport sectors of a country is aviation sector. While its advantages cannot be overemphasised, its disadvantages cannot be taken with levity, as a result of its being used as weapon of mass destruction to dismantle the reigning peace and already sustained development of a particular country. Looking at the records of the incidence of skyjacking for the past decades, one would be struck by the havoc which this heinous act has caused the whole world in term of the peace and sustainable development of a country. It is on this note that, this paper will examine the effect of skyjacking on peace and sustainable development as well as responses of both national and international communities on the suppression and prevention of this menace.

Conceptualizing Skyjacking, Peace and Sustainable Development

Skyjacking[1] is not defined but described in the International Conventions on the Suppression of Skyjacking and Other Acts against Civil Aviation.[2] Skyjacking has been described as an offence where a person on board aircraft unlawfully seizes or

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[1] This is also known as Aircraft Hijacking or Air piracies or sky controlling< http://en.wikipedia.org/wiki/Aircraft_hijacking accessed on 3/12/2011. See also http://lawbrain.com/wiki/Hijacking . accessed on 3/12/2011.

[2] See Article 11 of the Tokyo Convention, 1963.For example, Article 11 of the Tokyo Convention is the only provision that is indirectly related to hijacking.

exercises control over that aircraft or attempts to do so by force or threat thereof or by any other form of intimidation.[3] However, various definitions have been offered by various academic scholars. Evans has defined Skyjacking as illegal diversion of a commercial aircraft to a destination outside the country of origin of the flight.[4] He equally describes the offence as consisting of the taking or conversion to private use of an aircraft as a means of transportation and forcibly changing its flight plan to a different destination.[5] It has also been defined as the unlawful seizure of an aircraft by an individual or a group of individual.[6]

Sustainable development has been defined as a development that meets the needs of present day without compromising the ability of the future generations to meet their own needs.[7] Therefore, the pertinent question is, what are we to sustain and develop?

Sustainable development revolves round (i) Nature, comprising of the earth, biodiversity, and ecosystem; (ii) Ecosystem, consisting of services, resources and environment; (iii) Community, consisting of culture, groups and places; while to develop entails the development of the People, economy and society.[8]

Peace is a state of harmony characterized by the lack of violent conflict. Also it is the existence of healthy or newly healed interpersonal, national or international relationships, prosperity in matter of social or economic welfare, the establishment of

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[3] See Article 11, Hague Convention, 1970. This description was adopted by the Nigerian Civil Aviation Act No 6, 2006. Section 57(1)

[4] See Alona E Evans, *A proposed Method of Control*, 37 Journal of Air Law and commerce (1971) p.171.

[5] Alona E. Evans, *Skyjacking: its Causes and Cure*, American Journal of International Law, vol.63 (No. 4) p696

[6] See Aircraft Hijacking <http://en.wikipedia.org/wiki/Aircraft_hijacki ıg accessed on 28/10/2011.

[7] See Brundtland Report<http://www.isd.org/sd/#one accessed on 30/11/2011; <http://www.worldbank.org/depweb/english/sd.html accessed on 30/11/2011.

[8] See U.S National Research Council Policy Division, Board on sustainable development, our common journey: A Transition towards sustainability <http://www.hks.harvard.edu/sustci/ists/docswhatisSD_enV_kates_0504.pdf accessed on 30/11/2011

equality, and a working political order that serves the interests of all.[9]

With this conceptual analysis, we will now examine in brief the history of skyjacking.

Brief History of Skyjacking

Skyjacking began in 1929 when J. Howard Doc De Celles was flying a postal route for the Mexican Company Transportes Aeras Transcontinentale, ferrying mail from San Luis Potosi to Toreon and then to Guadalajara, when his plane was hijacked and ordered to fly over Mexican mountains. He landed on a road as ordered and was under hostage for several hours but later released with Buenos from Cedillo and his staff.[10]

The first reported skyjacking of commercial aircraft was on 21st February 1931 in Peru[11] when Bryon Rikards flying a Ford Tri-Motor, was hijacked on the ground by armed revolutionaries.[12] In 1948, a Bulgarian commercial aircraft was hijacked to Istanbul, Turkey by a discharged diplomat and his family by shooting the co-pilot[13] and the radio operator in order to escape to the west.[14] In 1954, a Syrian Airways Civilian Jet was hijacked with intent to obtain hostages in order to secure the release of prisoners in

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[9] See http://en.wikipedia.org/wiki/Peace accessed on 30/11/2011.

[10] Forth Worth Star- Telegram daily newspaper of 19 September 1970 cited in Skyjacking<http://en.wikipedia.org/wiki/Aircraft hijacking .Accessed on 01/05/2011. It should be noted that although this skyjacking was not recorded but it was adjudged as the first Skyjacking as reported by the Forth Worth Newspaper.

[11] Skyjacking <http://en.wikipedia.org/wiki/Aircraft hijacking. .accessed on 01/05/2011

[12] See http://www.newworldencyclopedia.org/entry/Hij icking. accessed on 20/05/2001.

[13] The Co-pilot was the Head of Bulgarian Civil Aviation. See <http://www.newworldencyclopedia.org/entry/Hijacking accessed on 20/05/2001.

[14] . Note that this 1948 attempt failed when the hijacker attempted to gain control of Miss Macao seaplane caused it to crash into the sea off Macau. <http://www.newworldencyclopedia.org/entry/Hijacking. Accessed on 20/05/2001.

Damascus who had been captured spying in Syria.[15] In 1959, a Panair do Brasil Lockheed L-049/149 Constellation PP-PCR operating en route from Rio de janeiro-Santos Dumont to Belem was hijacked by the Brazilian Air force officers with an intent to use it as a missile to bomb Government buildings and made to land at Aragarcas.[16] In 1961, six hijackers hijacked an aircraft and used it to drop leaflets against the dictatorship that ruled the country.[17] Equally, in the same year, the first U.S. aircraft was reportedly hijacked when domestic aircraft was forced to land in Cuba.[18]

Furthermore, in 1968, the Palestinian militants forcefully hijacked El-Al aircraft when it was forced from Rome to Algiers.[19] In 1970, three aircrafts from United Kingdom, United States of America and Switzerland were hijacked and blown up by the Palestinian hijackers.[20]

In 1976, the Palestinian hijackers also hijacked an Air France aircraft to Entebbe, Uganda. This hijack was brought to an end after weeks by Israelis commandos at the Entebbe, Uganda.[21] In 1977, the Palestinian hijackers hijacked another aircraft for a period of five days; however, the aircraft and the passengers were saved by the German commandos in Mogadishu, Somalia.[22] In

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[15] This was described as the first country Skyjacking. See <http://www.newworldencyclopedia.org/entry/Hijacking.

[16] List of Skyjackings <http://en.wikipedia.org/wiki/List of aircraft hijacking. Accessed on 20/05/2011.

[17] Ibid.

[18] Dictionary of America History: Hijacking, Airplane <http://www.enclopedia.com/doc/1G2-340181898. html accessed on 20-05-2011.

[19] This is the longest hijacking incident that happened for a period of forty days. The Algerian authorities later held 22 hostappes, releasing the final 12 only after a boycott by international pilots. See BBC News: History of airliner hijackings <http://news.bbc.co.uk/2/hi/1578183.stm accessed on 20-05 2011.

[20] The three hijacked aircrafts loaded with 400 passenger on board, fly to the Jordan desert before they were been blown up. See http://news.bbc.co.uk/2/hi/157813 op cit.

[21] Ibid

[22] The German commandos saved about 86 hostages after the aircraft pilot have been killed by the Palestinian hijackers. See < http://news.bbc.co op cit accessed on 22/11/2011.

1981 a Pakistan airliner was hijacked and forced to land in Kabul, Afghanistan, and later flew to Damascus.[23] In 1984, Shia gunmen hijacked a Kuwait aircraft and forced it to Tehran for six days where two American passengers were killed.[24] In 1985, Lebanese Shia gunmen hijacked TWA flight from Anthens to Beirut with 153 passengers on board; the hijacked aircraft was however released when Israel government released 31 Lebanese Shi'a prisoners.[25] Equally, in the same year, Egyptian airline was hijacked by Palestinian to Malta with 159 passengers losing their lives as a result of non-peaceful settlement of rift between the hijackers and the Egyptian commandos.[26]

The unlawful act in the aviation industry continues when in 1986 a Pakistan aircraft was hijacked with about 22 passengers dead out of 400 people on board.[27] In 1988, a Kuwait airway was hijacked by Shi'a gunmen from Thailand to Algiers.[28]

In 1991, a Singaporean airliner was hijacked by four hijackers. In this incident, a rescue mission was successfully carried out by the Singaporean commandos, killing all the four hijackers.[29] Between 1993-1999, Ethiopian airline was hijacked in eastern Ethiopia.[30]Pakistani international airline was hijacked at Hyderabad airport[31] and Indian Airlines aircraft was hijacked to

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[23] In this hijacked incident, a passenger was killed and many hostapes were released when the Pakistani government agrees to free more than 50 political prisoners. See http://news.bbc op. cit

[24] Note that this aircraft was the reclaimed by the Iranian security forces having disguised as aircraft cleaners. See http://news.bbc.uk op. cit.

[25] Ibid

[26] Ibid

[27] Ibid

[28] Ibid. this hijacked lasted for 16 days with more than 110 passenger on board, the hijacked ends when the hijackers freed the remaining hostages and are allowed to leave Algiers, while two Kuwaits were killed.

[29] Ibid

[30] This Ethiopian airline was hijacked by two hijackers and a woman died when security forces storm the hijacked plane with intention to rescue the pilot and other passengers. http://news.bbc.uk, op. cit

[31] Luckily, Pakistani commandos were able to over power and unrest all the hijackers and all 29 passengers who were under hostages were freed. http://news.bbc.uk op. cit

Afghanistan.[32] In the year 2000, two incidents of aircraft hijack occurred precisely in February 2000 when Afghans hijacked an Internal Ariana flight and diverted same to Stansted airport near London;[33] while in October 2000, a Saudi Arabian citizen hijacked Saudi Arabia aircraft to Baghdad before surrendering to the Iraqi Authorities.[34]

In 2001, Chechens separatists, hijacked Russian plane, Vnukova Airlines Tupolev 154 jet during a flight from Istanbul to Moscow and later parked at Medina airport in Saudi Arabia.[35]Furthermore, it is worthy of note that the worst aircraft hijack occurred in 2001 when four United States of America airlines[36] were hijacked by the Al-Qaeda group.[37] In 2003, Nigeria experienced aircraft hijacking when Nigerian Airway was hijacked to Niger

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[32] This unlawful act was carried out by Kashmir Militants while the incident lasted for one week before the Indian authorities agreed to free all the remaining jailed Kashmir militants. It should be noted however that one passenger lost his life while the hijack lasted. See http://news.bbc.uk. Op. cit

[33] This hijacked was carried out in order to escape the Taleban regime. It took up to three days before the hijackers gave up without harming any of the hostages. See htt://news.bbc.co.uk. op. cit. see also http://news.bbc.co.uk/2/ji/uk_news/637552. Accessed on 21-05-2011

[34] In this incident 105 passengers and crew, including 40 Britons were released safely four hours after the London- bound plane was forced to land in Baghdad. Note that this incident ended peacefully. See BBC News: Relatives relief as hijack ends <http://news/bbc.co.uk/2/hi/uk_news/972697, accessed on 21-05-2011

[35] Although the hijack was successful but due to timely intervention of the Saudi Arabia security forces who stormed the Russian plane at Medina Airport save the passengers. However, three people believed to be one of the hijackers were killed while other hijackers were arrested. See BBC Bloody end to Chechen hijack <http://new.bbc.c.uk/2/hi/middle_east/1223972, accessed on 22/05/2011.

[36] The Airplanes are American Airlines Flight 11; United Airlines Flight 175; American Airlines Flight77 and United Airlines Flight 93.

[37] The act was executed by the Al-Qaeda where the four hijacked planes were used as missiles to destroy the two World Trade Center Towers in New York City; Pentagon in Washington D.C and Rural Pennsylvania. Many people lost their lives as 266 passenger lost their lives instantly, nearly 200 people at Pentagon were killed and some 3000 people in the World Trade Center Tower perished when the building collapsed. See New World Encyclopaedia <http://www.newworldencyclopedia.ng/entry/hijacking . Accessed on 22/05/2011

Republic.[38]In 2006, a Turkish Airline Flight 1476 flying from Tiranato, Istanbul was hijacked in Greek airspace.[39]

In 2007, four airplanes were hijacked, the first was Air West Boeing 737 which was hijacked over Sudanese airspace but landed safely at N'Djamena in Chad Republic; the second was air Mauritanie Boeing 737 flying from Naiak Chott to Las Palmas hijacked by a Moroccan;[40] the third was hijacking of Atlasjet MD.80 flying from Nicosia to Istanbul by two Arab students,[41] the plane landed safely in Antalya where all the hijackers were arrested.[42] While the fourth aircraft was Aeroflot Airbus A320 flying from Moscow to Geneva which was hijacked by a drunk man in Prague but was subsequently arrested by the Czech police.[43]

The available report of Skyjacking in 2008 was that of Sun Air Boeing 737 flying from Nyala, Western Sudan to Khartoum. In this incident the hijacker demanded to be taken to France to gain asylum, but the plane subsequently landed at Kufra, Libya where the hijackers gave themselves up after twenty four hours of hijacking.[44] In 2009, a gunman who forced his way through airport security hijacked a Boeing 737-800 preparing to depart from the Sangster International Airport, Montego Bay, Jamaica to

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[38] See The June 12 Nigeria Airways Plane Hijack: The Untold Story, <http://maxsiollun.wordpress.com/2009/06/22/the-june-12-plan-hijack-the-untold-story/, accessed on 20/9/2011.

[39] The Greek Air force intercepted the hijacked aircraft with Military aircraft and landed safely at Brandi, Italy. See List of Skyjackings <http://en.wikipedia.org/wiki/List_of_aircraft_hijackings .Accessed on 22/05/2011.

[40] The Moroccan hijacked was subsequently arrested when the airbus landed safely in Las Palmas. See passengers overpower plane hijacker in Spain Canary Islands, suspect arrested USA today February 15, 2007 and http://www.usatoday.com/news/world/2007-02-15-air-mauritania_x.htm . Accessed on 25/05/2011.

[41] The two Arab students claimed to be Al-Qaeda operatives of which one is trained in Afghanistan and wanted to go to Tehran, Iran. See List of Skyjackings, Op.cit.

[42] See Pilot and Passengers foil hijacking of Turkish jet, cited in List of Skyjackings, op.cit.

[43] See New World Encyclopaedia, op. cit.

[44] Ibid.

Canada.[45]In the same year, a Boeing 737-800 flying from Cancun to Mexico was hijacked by Jose Marc Flores Pereira and landed at Mexico City International Airport.[46]

Recently, an attempt was made to hijack a Turkish Airline Flight 1754, flying from Oslo to Istanbul when it was in Belgian airspace. However the attempted hijacking failed when some passengers over-powered the hijacker and the aircraft safely landed at Ataturk International Airport where the suspect was arrested.[47]

Effect of Skyjacking on Global Peace and Sustainable Development

A crime is not committed without its negative side effect. Crime of skyjacking is not an exception to this rule. Therefore, the effects of skyjacking are:

i. Destruction of Lives and Properties

Many lives and properties were lost and destroyed in the event of heinous act of skyjacking. For instance, on 4th December 1978, when Malaysian Airlines Flight 653 was hijacked and later crashed, 100 people were killed on the spot. In September, 2001, Four United States of America Aircrafts were hijacked, 3000 people were killed and over 6000 were injured.[48]

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[45] The aim and objective of the hijacker is to fly him to Cuba. Six crew members were held hostage while the passengers were given the hijacker money to buy their freedom. The police later arrested the hijacker after several hours of hostages. See List of Skyjackings op.cit.

[46] The Hijacker, a Bolivian, demanded to speak to Mexican president. See List of Skyjackings op.cit.

[47] See Turkish Airline hijack attempt failed by Passengers cited in List of Skyjackings,op. cit.

[48] Other incidents where lost of lives occurred are: Hijacking of Indian Airlines Flight 814 in 1999 where one of the hostages was stabbed to death as a warning attack; Hijacking of All Nippon Airways Flight 61 where pilot was killed before the hijacker was subdued; Hijacking of Ethiopian Airlines Flight 961 where 125 passengers died having crashed into Indian ocean near beach in the Comoros Island. See List of Skyjacking, op.cit; Hijacking in the September 11 attack, op. cit.

The crashed aircrafts and passengers' luggage constituted the loss of properties as in most cases where loss of lives occurred, there will certainly be destruction of properties. For instance, the famous 2001 September 11 attack, where four aircrafts were destroyed and the World Trade Centre collapsed; the ditching of Ethiopian Airlines Flight 961 into Indian Ocean in 1996; the crashing of aircraft from the people Republic of China in Guangzhou, killing 128 people, are just a few to mention.

ii. Loss of Passenger Patronage

Not only the loss of lives and destructions of passengers are affecting the aviation sector in the event of Skyjacking, equally, the income of the airliners as well as that of the country of registration of the airliners will be seriously affected. This is because most passengers will be discouraged to travel by air for fear of threat of hijacking of commercial aircraft. The effect of this is that, patronage will reduce and result in low level income. This can be liken to the economic principle of the higher the demand the higher the profit and the lower the demand the lower the profit of the manufacturer. Therefore, if demand for travelling by air is reduced as a result of skyjacking, the lower the profit of both the operator and the aviation sector generally.

iii. Unemployment.

The end result of low patronage in the aviation sector will bring about unemployment or reduction in the income generated by both the airline operators and the government which will determine the level of employment opportunity to be created because salaries, benefits and other expenses are to be paid from the income and profits accruing from the operation of aircraft. Thus, if the level of income is low, the operator may either sack those that were already employed or not even employed any more.

iv. Psychological depression

Most passengers were psychologically depressed to travel by air as a result of the insecurity of commercial air transport that will

greatly affect their lives and properties in airspace where hijacking is common.

v. War

The crime of Skyjacking is a serious crime at the national and international level. Thus, where a citizen of a country hijacked commercial aircraft of another country or aircraft carrying citizen(s) of another country is hijacked by a citizen of a country, this may lead to war between the two countries and may eventually lead to severance of diplomatic relation, especially if the country of hijacker or arresting country refused to prosecute or punish the hijacker. For instance, in the case of *Libya v. United States of America*[49] where the U.S accused some Libyan citizens of hijacking the U.S aircrafts, the U.S demanded the extradition of the accused Libyans but the Libyan Authority declined. Arguments and counter arguments ensued between the Libyan authority and the U.K, U.S and the Security Council of the United Nations.[50] At the end of the day the suspected Libyans were later extradited to Scotland to face trial in which of recent, the suspected Libyans were discharged and acquitted.

The importance of the above case to this point is to the effect that at the point of arguments and counter arguments, if no place of trial of the suspected Libyans was not agreed upon, the likely consequence may be war between the parties and may eventually lead to severance of diplomatic relation.

Prevention of Skyjacking and the Attainment of Sustainable Development

As a result of the serious threat posed to peace and sustainable development, both the national and international communities have designed various methods to suppress and prevent the act of skyjacking for the purpose of sustainable development.

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[49] *Libya v. U.S.A* (Provisional Measures) International Court of Justice. This case is popularly referred to as Lockerbie's case

[50] See O.Y Elagab, op.cit at Pp.503-508

The efforts of International community under the auspices of ICAO and that of National law of respective countries shall be divided into:

a. Technical measures; and
b. Regulatory measures.

a Technical Measures

These are the preliminary searches and other detective devices adopted by respective country to combat and prevent sky-jacking. Such technical measures include but not limited to the use of Machine Readable Travel Documents (MRTDs), Advance Passenger Information (API),[51] Passenger Profiling,[52] Use of Magnometer,[53] Physical searching of passengers, Carrying of passenger by bus straight to the field and not to terminal,[54] use of Air Marshal[55] and the use of trained dog to sniff out explosive.[56]

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[51] This is used to determine the admissibility of person as a passenger in an aircraft. For example, Section 402 of the United States of America Enhanced Border Security and Visa Entry Reform Act, 2002 amending section 231 of the Immigration and Nationality Act,2002 by providing that for each commercial vessel or aircraft transporting any person to any seaport or airport of united States. See Ruwantsse Abeyratne *Safety in the air: Aircarriers 'Rights and Responsibilities at National and International Law,* CLWR 32(3) p.81

[52] Ths is mostly adopted by aircarrier who cooperates with custom and immigration authorities to identify possible offenders, with a view to preventing them from boarding their aircraft. Ruwantsse Abeyratne at 275. See also M. Fenello, *Technical prevention of Airpiracy,* 39 International conciliation 1970-1972 at p.28.

[53] This device consist of two alarm poles placed three feets apart, which ar connected to a special warning light visible only to airline personnel. The ligh goes on only when the individual passes between the poles is carrying enough metal to indicate a potential weapon. See Fenello at p.31

[54] This is done to detect weapon. All baggage are searched at the time of boarding. Ibid at 34

[55] Ibid at 37-38

[56] Ibid at 40

b Regulatory Measures

i. Unilateral Treaty

Pursuant to the provisions of the Conventions on aircraft security under the auspices of ICAO, each contracting country has developed a set of laws to combat Skyjacking. For example, pursuant to the provision of section 12 of Nigerian Constitution,[57] Nigeria has promulgated the Nigerian Civil Aviation Act[58] in furtherance to the provisions of the Convention.[59] Most Hijacking laws of respective country contain certain provisions for Airport searches, guardian of Aircraft as well as punishment of offender(s).[60]

ii. Bilateral Treaty

This is a treaty between two or more countries that has limited application to its signatories. For example: Extradition Treaties between United States and Canada, 1971; United States and Malaysia, 1995, Bonn Declaration on Hijacking[61] and Extradition Treaty between U.S and Sweden on Skyjacking. All these treaties set out the procedures under which hijacker(s) could be extradited or prosecuted or punished within signatory countries.[62]

iii. Multilateral Treaties.

The Multilateral Treaties aimed at the suppression of Skyjacking for the sustenance of developments are: The Convention on Offences and Certain Other Acts committed on Board Aircraft,

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[57] Nigerian Constitution of Federal Republic of Nigeria, 1999 as amended; section 12.

[58] Nigeria Civil Aviation Act No6, 2006

[59] Ibid; Section 56. This section defines hijacking as well as punishment for hijacking of aircraft in furtherance to Articles

[60] Alona .E. Evan,*A proposed method of control,* 37 Journal of Ar law & commerce(1971) 171 @ 178.

[61] Bonn Declaration, 1978

[62] See Alona E Evans, *The Law and Skyjacking,* 1 Syracuse Journal of International Law 7 Commerce,(1972-1973) p.265. See also Narinder Aggarwala, *Poltical Aspect of Hjacking,* 39 International Conciliation (1970-1972) p.7. See also Ian E. Mcpherson,*Recent Developments in Aerial Hijacking: An overview,* 6 Akron Law Review Vol. 145, (1973) pp.145 @ 149.

1963[63]; The Convention for the Suppression of Unlawful Seizure of Aircraft, 1970[64]; and The Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, 1971.[65]

While the Tokyo Convention[66] started the course of suppressing Skyjacking by identifying the offence and establishing the responsibility of member countries for facilitation and protection of international civil aviation, the Hague Convention[67] improved on suppression of the offence by committing the member countries to establish jurisdiction to try the offence, prosecute, extradite as well as obliging the member countries to punish the offender severely. The Montreal Convention[68] widens the scope of measures to generally secure aviation sector by taking care of the offences of unlawful interference with civil aviation while the flight is on ground as well as committed by person not on board aircraft. However, except the scope of the application of the Montreal Convention, the provisions of The Hague and Montreal Conventions are similar and the two Conventions obliged the contracting countries to establish jurisdiction, extradition procedure, prosecution as well as punishing the offender by severe penalties.[69]

Suppression under the Conventions

Certain provisions of the Conventions which are aimed at suppressing the menace of hijacking worldwide are:

i. Extradition of the offender

All these Conventions provide for extradition of the offender to the requesting country for the purpose of prosecution.[70] Although,

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[63] This is otherwise known as The Tokyo Convention, 1963.
[64] This is known as The Hague Convention, 1970.
[65] This is known as Montreal Convention, 1971
[66] Opened for signature on sept. 14, 1963
[67] Opened for signature on December 16, 1970
[68] Signed in Sept. 1971
[69] Robert P. Boyle; *International Action to Combat Hijacking;* Lawyer of Americas, vol. 4. No 3 (1972) pp. 460 @ 467-469
[70] See Article 16 Tokyo Convention, Article 8 Hague and Montreal Conventions, op. cit.

there is no compulsory extradition of the offender under the Conventions, contracting countries to the Conventions can arrange for a sort of Bilateral Treaty whereby extradition could be made mandatory among the signatories. Extradition Treaty between the United States of America and Malaysia, 1995 is one of such treaties.

Note that where no Extradition Treaty is made between the contracting countries for the purposes of extradition of the offender, the requesting country can still rely on the provisions of the Conventions to make extradition possible.[71]

ii. Jurisdiction to try the offender

Hijacking of aircraft has been treated as an international crime[72] that warrants universal jurisdiction. The Conventions obliged contracting countries to establish jurisdiction to try the offence in their respective countries so as to be able to try the offender.[73]

iii. Punishment of the offender

Except the Tokyo Convention, The Hague and the Montreal Conventions obliged the contracting countries to make the offence punishable by severe penalties.[74] However, severity of the punishment is subject to the discretion of the national law of each contracting country as what is severity in Nigeria may be lesser punishment in another country. For example, the severity of the penalty in Nigeria is Life imprisonment and a fine of 10,000,000.00 (ten million naira).[75]

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[71] See Lockerbie's case op.cit.

[72] See United Nation General Assembly Resolution 2551, 24 U.N. GAOR (NO. 30) (1831st plen.mtg) at 108, UN. Doc. A/7630 (1969). See also, Paul Stephen Dempsey, *Aerial Piracy and Terrorism: Unilateral and Multilateral Responses to Aircraft Hijacking*, vol.2. Conn. J. Int'l Law (1986-1987)p.434

[73] Article 3 and 4 Tokyo Convention, Article 4 Hague Convention and Article 5 Montreal Convention.

[74] See Article 2 Hague Convention and Article 3 Montreal Convention respectively.

[75] See Nigerian Civil Aviation Act, op.cit. section 56(4)

iv. Power of the Aircraft Commander

The Tokyo Convention specifically provides for the power of aircraft commander which includes power to restrain suspected hijacker, power to disembark hijacker, power to call for the assistance of other crew members and passenger in the event of hijacking and power to notify the authorities of the country concerned.[76] Such powers can only be exercised where the commander reasonably believe that a person has committed or about to commit any of the offences mentioned in the Convention.[77]

Conclusion and Recommendations

This paper has examined the skyjacking as threat to global peace and sustainable development. It is apparent from the discourse that the effects of skyjacking that have seriously hampered global peace and sustainable development of aviation sector are: loss of lives and properties, loss of passengers' patronage, unemployment, psychological depression as well as severance of diplomatic relations.

It is also clear that a lot of efforts have been made to reduce the menace through the enactments of the various Conventions and Treaties but with little success. The efforts of international community on prevention of skyjacking are not adequate in the light of uncertainty of some provisions such as provisions dealing with extradition, prosecution, and punishment of the offender; and provision on establishment of jurisdiction.

Therefore, it is hereby recommended that the Conventions on Suppression of Aircraft Hijacking and other related attack on Civil Aviation should be amended to include the following:

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[76] See Articles 6, 7,8 and 9 of the Tokyo Convention, 1963.

[77] The offences mentioned in the Convention include: offences against penal law; acts that jeopardise the safety of the aircraft or of person or property therein; good order and discipline on board. See Article 1(1) Tokyo Convention.

i. State of registration of aircraft should only have right to establish jurisdiction to try the offender;
ii. Extradition of the offender should be made compulsory.
iii. Penalties should be defined and certain and should not be left to the discretion of the contracting states.