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Aircraft Hijacking and International Law

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Book Review

AIRCRAFT HIJACKING AND INTERNATIONAL LAW. By Dr. S. K. Agrawala. Dobbs Ferry, N. Y.: Oceana Publications, Inc., and India: N. M. Tripathi Private Ltd. 1973. Pp. 242. \$8.50.

One of the most serious by-products of the jet age has been the unlawful seizure of or interference with aircraft engaged in air transportation. While the phenomenon has been known by many names, such as "sky-jacking," "air piracy," "sky piracy" and other similarly descriptive phrases, the object is the same: to forceably obtain control of an aircraft, its crew and passengers and utilize that control for the purpose of obtaining something that the seizing party deems of value. During the past several years, we have seen examples such as hijacking for ransom, hijacking for a "joy ride," hijacking for the achievement of political ends and hijacking purely as a terrorist activity. Fortunately, many hijacking attempts have been thwarted, and in the cases of "successful" hijackings, most have resulted in little more than discomfort and inconvenience for the passengers and expense for the airlines involved. In several tragic instances, however, hijacking has ended in death and the destruction of aircraft worth several million dollars.

While the internal law of most nations provides punitive sanctions that guarantee swift and sure punishment for the perpetrators, the same cannot be said with regard to the international scene. It is this area that Dr. Agrawala has chosen to explore.

Dr. Agrawala, who is Professor and Head of the Department of Law of the University of Poona (India), is a prolific writer and is particularly well known for his publications in the International Law field. Dr. Agrawala's latest effort is an examination of the Convention for the Suppression of Unlawful Seizure of Aircraft (The Hague Convention of 1970) and the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (The Montreal Convention of 1971). This study is an analysis and evaluation of these international agreements with the purpose of determining their efficiency as preventive and punitive measures.

Special characteristics of the offense, controversial questions of definition and scope, jurisdiction, extradition and political character of the offenses, as well as other obligations under the Conventions are discussed and their shortcomings identified.

In structure, the book is comprised of eleven short chapters following a short introduction. The first chapter enumerates certain distinctive characteristics of the offense of aerial hijacking and gives an overview of the dimensions of the problem. In Chapters Two through Six, Dr. Agrawala presents a detailed examination and analysis of The Hague Convention. Chapter Seven concerns itself with the internationalization of the offense of hijacking while the Montreal Convention of 1971 is the subject of Chapter Eight. Other works done in the International Civil Aviation Organization, the United Nations and regional organizations in the area of aircraft hijacking is considered in Chapter Nine. The hijacking of an Indian Airlines airplane on a domestic flight from Frinagar to Jannu and its diversion to Lahore, Pakistan, by two Indian nationals alleged to be Kashmir Liberation Front members on January 20, 1971, and its subsequent destruction some three days later, is related in Chapter Ten. The legal issues arising from the hijacking and the destruction and the consequent suspension of over-flights by Pakistani planes of Indian territory are also analyzed in this chapter. The final chapter of the text points out the necessity for enforcement of the provisions of the Conventions. The inability to effectually enforce the terms of the various Conventions on an international scale is perhaps the cardinal weakness in attempts to control aerial hijacking. In this regard, it is noted that the Tokyo Convention of 1963, which is briefly discussed in the text, has been referred to as "the toothless tiger," a term that is not altogether unearned.

The final portion of Dr. Agrawala's work is an Appendix which sets forth selected provisions of the Chicago Convention of 1944 as well as the complete texts of the Tokyo Convention of 1963, The Hague Convention of 1970, The Montreal Convention of 1971 and selected provisions of the Geneva Convention on the High Seas (1958) as well as various resolutions of the United Nations and the International Civil Aviation Organization.

While the book may be of interest to only a limited number of individuals, particularly those who practice in the area of Aviation

and International Law, it is a welcome addition to the literature. Through Dr. Agrawala's efforts, the reader is able to better understand the problems involved in the suppression or prevention of aerial hijacking, and hopefully the work will provide understanding to those who are critical of efforts to control this menace. In format, the text is easy to read and extensive footnotes follow each chapter. As a research tool, the book is to be prized.

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