

In retrospect, it is not surprising that this initiative quickly ran into difficulties, since it focused upon one of the most sensitive and divisive areas of international relations — the taking of collective sanctions against offending states.

It is clear that, under the United Nations Charter, if the UN Security Council decides that a state has committed a "threat to the peace, breach of the peace, or act of aggression", the Council can decide to impose sanctions, and member states of the United Nations are bound to accept and carry out the decision. It is, however, a fact of life that the Council is often stopped from taking decisions by the exercise, or threat of exercise, of the veto. Canada and many other countries take the position that the Council does not have exclusive competence to impose sanctions. They contend, in relation to international civil aviation, that, since a state exercises sovereignty over its air-space, it can become a party to a new international convention in which, under certain conditions, it agrees to suspend air services with offending states.

Rome meeting

Notwithstanding this legal justification, however, many states were unwilling to envisage the taking of sanctions against states which, they believed, had accepted no international obligations since these states had never become parties to the Tokyo, Hague and Montreal conventions. As a result, in the summer of 1971, the subject of a "joint action" convention was, over the strong objections of Canada, put on the inactive list in the work program of the ICAO Legal Committee. It was finally resurrected by the ICAO Council in June 1972 as a positive manifestation of the universal revulsion engendered by the Lod Airport slaughter by terrorists. A series of less than completely conclusive ICAO legal meetings, held in Washington in the autumn of 1972 and in Montreal in January 1973, led to the scheduling by ICAO of a diplomatic conference and concurrent extraordinary assembly on aviation security, which were held in Rome from August 28 to September 21, 1973. The result of all this diplomatic activity was the approval by the ICAO extraordinary assembly of a resolution merely reaffirming the important role of ICAO in the settlement of civil aviation disputes between members of the Organization and appealing to states to become parties to the Tokyo, Hague and Montreal conventions.

Why were no new substantive measures approved in Rome? The main reason

was that, despite the earlier legal me- endme
there were still too many proposo o-thirds
too many competing interests to be y to br
out in the limited time available. To b
diplomatic conference considered a n comm
dic proposal, and a number of var of pro
on this proposal, for a new multie r cou
convention which, working with a "pac
ICAO framework, would have provie rnatio
the making of recommendations (n the No
cisions) to contracting states to su the di
air services with states found to be mediate
of assisting hijackers. This propos uld com
a weaker version of the earlier C fairly li
United States draft convention. endmen

The diplomatic conference als icago c
amined a Soviet proposal to add pro e. Unf
to the Hague and Montreal conve parate
whereby contracting states would poses
take to give preference to the extr le to ga
of hijackers when such states ext master
the option, contained in the Hagu As if
Montreal conventions, either to ext rking a
or prosecute. Many countries were straw
tant to undertake to give such a pre a on A
to extradition since they did not w ll airlin
be placed in the position of hav er this
future, to return political escape nda, tu
countries from which they had fleo examini
Soviet proposal was an attempt to endmen
even further the option either to ext taken
or prosecute, which, when introduc rdinar
the Hague and Montreal convention reover
regarded as a major breakthrough in diplom
ing the conception of political as l of tin
which had customarily meant the y the H
plete exoneration of the person uld be a
asylum. awful
her tha

A last-minute Greek proposal, stance
of a recent terrorist incident at the Consi
airport, requested the diplomatic e the Ro
ence to approve an amendment t ended
Montreal convention to cover terror on" co
cidents at airports. nce, m

While the Rome conference was diplom
pling with this assortment of prop public
the extraordinary assembly, on alte e exert
days, was considering two proposa ups su
presented by Britain and Switzerlan ed ma
the other by France, providing for the erwise
ing of "joint action" not by the app proble
of a new international convention b ounted
amending the ICAO constitution, the Most
Chicago Convention. Although the B ch may
Swiss and French managed to com to so,
number of provisions of their two templa
posals, the crucial sections involving he thre
tions remained in competition. The s. It is
proposal would merely have relie e is le
the ineffectual existing enforcement onal m
chinery of the Chicago convention, aga
British-Swiss proposal did provide t that n
fective enforcement, but it appeared lament
unlikely to most observers that

*Fact of life
that UN Council
often barred
from decision
by veto threat*

*Despite pileup
of proposals,
sessions failed
to produce
new measures
of substance*