

AIR LAW: CANADIAN INITIATIVE ON AIRPORT SECURITY

In response to the increasing incidence of terrorist attacks at airports and in accordance with the Canadian Government's policy of contributing to international efforts to develop additional measures to combat terrorism, Canada presented a proposal on airport security at the 26th Assembly of the International Civil Aviation Organization (ICAO), September-October, 1986. The proposal, which took the form of a working paper, called for the adoption of a new multi-lateral instrument which would apply the "extradite or prosecute" regime of the Hague and Montreal Conventions to perpetrators of acts of terrorist violence at airports.*

The Hague and Montreal Conventions focus on attacks against aircraft and seek to ensure that perpetrators of those attacks do not go unpunished, particularly by escaping from the territory of the state where the act occurred. They thus oblige a state which finds an alleged offender on its territory "to submit the case to its competent authorities for the purpose of prosecution" (Article 7 of Montreal) or to extradite him to another state with jurisdiction. The Canadian proposal essentially would extend this system to acts of violence at airports, thus complementing the Hague-Montreal system.

The paper submitted to ICAO identified, in fairly general terms, a number of acts which affect international civil aviation but which were not made offences under the Hague or Montreal Conventions, i.e. acts of violence against persons; placing explosive devices in airports; damaging security facilities and the unlawful penetration of security areas. The offences in question should be defined in such a way as to be seen to endanger or otherwise adversely affect the safety of international civil aviation. It will then be the responsibility of the judges of the domestic courts of each state party to determine whether a particular act at an airport is of purely internal concern or is of such a nature as to add an international element making it appropriate for the application of the "extradite or prosecute" principle. In practice, terrorist acts at airports normally affect the interests of more than one state.

.../24

*1970 Convention for the Suppression of the Unlawful Seizure of Aircraft (the Hague Convention).
1971 Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (the Montreal Convention).