

#### 4- Air Law - Unlawful Interference with Civil Aviation

Canada has been in the forefront of international efforts to come to grips with the inter-related aspects of the insidious problem of unlawful interference with civil aviation. It is axiomatic that the most effective way of dealing with the problem is by promoting the implementation of more rigorous national and international preventive security measures, and Canada will continue to be active in this area. However, the Legal Bureau of the Department of External Affairs, in consultation with other Bureaus of the Department and the Ministry of Transport, Department of Justice and Canadian Transport Commission, has also contributed significantly to the negotiation, under the auspices of the International Civil Aviation Organization (ICAO), of a series of international conventions which, in their totality, will make it difficult for individuals who commit acts of unlawful interference to escape prosecution.

##### (a) Unlawful Seizure of Aircraft (Hijacking)

Canada participated actively in the series of ICAO meetings which led to the adoption on December 16, 1970 of the Hague Convention for the Suppression of Unlawful Seizure of Aircraft (hijacking). Canada became a party to the Convention on June 19, 1972. Under Article 7 of the Convention, Contracting States in the territory of which an alleged hijacker is found have the option of either extraditing him or submitting the case to its competent authorities for the purpose of prosecution for an offence of a serious nature under the law of that State.

##### (b) Armed Attacks and Sabotage against Aircraft

From September 8 to 23, 1971 a diplomatic conference was convened in Montreal, under the auspices of ICAO, to consider a draft convention, which had been prepared by the ICAO Legal Committee at its 18th Session in London in September-October, 1970, covering acts of unlawful interference other than hijacking (which was already covered in the Hague Convention). On September 22, 1971 the Conference adopted the Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation. Canada ratified the Convention on June 19, 1972. Just as in the Hague Convention, Article 7 gives Contracting States in the territory of which an alleged offender is found the option of either extraditing or prosecuting.

##### (c) Canada/Cuba Negotiations

Since the Cuban Government has not wished to assume any multilateral obligations with respect to unlawful interference, Canada has been negotiating a bilateral unlawful interference agreement with Cuba which, it is hoped, will add "unlawful interference" as an extraditable offence to the 1905 U.K.-Cuba Extradition Treaty which is in force between Canada and Cuba, as well as provide for the expeditious return of hijacked aircraft, crew and passengers. The first round of negotiations was held in Havana in February, 1971. In March, 1972 Canada extended an invitation to the Cuban Government to send a delegation to Ottawa for the second and, it is hoped, final round of negotiations.

No reply has yet been received to the Canadian request of January 25, 1972 to the Cuban Government to extradite the alleged hijacker of the December 26, 1971 Air Canada flight.