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NEW FRONTIERS IN THE LAW OF THE AIR

Address by the Honourable Paul Martin, Secretary of State for External Affairs, to the Second International Conference on Air and Space Law, McGill University, Montreal, November 3, 1967.

It is a distinct honour and pleasure to address such a distinguished audience. It is also challenging, for in my remarks I have been asked to point out new frontiers in the law of the air.

Your meetings today must have prompted you to reflect on the work of those nations which met in Chicago in the winter of 1944. That was a time when those with foresight were preparing for peace and were recognizing the urgency of radical changes to meet the immediate needs of a vastly different world. Perhaps in no single industry had the effects of war been felt more strongly than in aviation. The war proved beyond doubt the tremendous potential of the airplane, both as an awesome and devastating carrier of destruction and a swift and reliable means of transport. It is said that the Second World War telescoped a quarter century of normal peacetime technological development in aviation into six years. If anything, the pace of this development is accelerating. Due to the ingenuity of the scientist, engineer and businessman, the airplane is now a major instrument of commerce and - what is significant for the lawyer - a creator of major international problems.

Aviation today is mainly an international activity requiring, for safety's sake alone, the most complex co-ordination of techniques and laws. Air law is the result of a compromise between national drives and international imperatives. It is a conglomeration of specific branches of national and international law, both private and public.

Aircraft of one nation travelling through the air space of several states, landing in others and carrying large numbers of passengers, create many problems of conflicting legal systems. Without determined and imaginative efforts on the part of those concerned with air law, it will be increasingly difficult for the law to keep pace with social and technological development.

But I am not saying anything startling, or even new. The facts are obvious. Nevertheless, the extent of the danger due to the unprecedented growth of the industry has been seriously underestimated.