

# Canada Weekly

Volume 4, No. 15

April 14, 1976



Ottawa, Canada.

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## Canada/U.S. extradition pact a model of co-operation and mutual respect

*The Secretary of State for External Affairs, Allan J. MacEachen, and the recently appointed United States Ambassador to Canada, Thomas Ostrom Enders, exchanged instruments of ratification of the Canada/U.S. Extradition Treaty at a ceremony in Ottawa on March 22.*

*In welcoming Mr. Enders to Canada, Mr. MacEachen said he was looking forward to working with him "in promoting our co-operative efforts and in resolving our problems for the mutual benefit of both our countries".*

*Speaking of the pact that had just been ratified, Mr. MacEachen said it marked the evolution of one of Canada's oldest treaty relations with the United States.*

*He continued:*

...It will replace a series of arrangements that date back to 1842. For Canada, our extradition arrangements with the United States are far and away the most important we have with any country. In this, as in so many other aspects of our relations with the United States, our proximity generates contacts and problems on a scale dwarfing those that exist between Canada and other countries.

This new treaty is very important to us. It is the product of careful negotiations over a decade. It will help the law enforcement authorities of our two countries to deal more effectively with

some of the most dramatic and intractable problems faced by contemporary society on this continent – such problems as hijacking of aircraft, political kidnapping and drug offences. Under the new treaty, it will also be easier to handle a wide range of extraditable offences that, while less likely to make the headlines, pose basic problems for the administration of justice in both countries.

The treaty is one more example of the harmonious relations between Canada and the United States. The negotiations and other preparatory work that produced this treaty are typical of the

## Salient provisions of new Canada/U.S. extradition treaty

The new treaty is designed to consolidate the extradition arrangements between Canada and the U.S. in a single instrument and at the same time to revise and update the list of extraditable offences. Generally speaking, it enumerates offences in respect to which one contracting party may seek the extradition of a fugitive offender found in the territory of the other and the conditions under which a fugitive can be surrendered.

Among the more salient provisions of the new treaty are:

(a) Extradition offences covering unlawful seizure of aircraft (hijacking) and conspiracy to commit or being a party to any of the offences extraditable under the schedule to the treaty;

(b) a stipulation that extradition cannot be refused on the grounds that

the offence was committed under circumstances making it of a political character if the offence is a crime against a person to whom a contracting party has the duty according to international law to afford special protection, or with respect to the offence of unlawful seizure of aircraft.

The latter provision clearly establishes the resolve of Canada and the U.S. to refuse asylum under any circumstances to fugitives who have committed such crimes within the jurisdiction of either country where the main incidence of the crime falls.

The treaty is of particular significance to Canada given its geographic proximity to the United States and the fact that the vast majority of Canadian extradition cases arise from requests for rendition of fugitives to or from the United States.

