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## NEW FRONTIERS IN THE LAW OF THE AIR

*The following is part of a recent address by Mr. Paul Martin, Secretary of State for External Affairs, at the second International Conference on Air and Space Law at McGill University, Montreal:*

...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 airspace 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.

The Chicago Convention of 1944 was a major step towards international legal standardization. It is often called "the Constitution of Air Law" or "the Charter of the Air". At Chicago the strong Canadian delegation, headed by C.D. Howe, then Minister of Reconstruction, played an active role in support of an international air authority. We were strong proponents of the "freedoms of the air" - a term which the Honourable Adolf A. Berle, then head of the American delegation, attributed to Canada. In fact, "Freedom of the Air", the title of your present meeting, is what the late Mayor LaGuardia referred to at Chicago as the "meat" of the Convention, for it lay at the very

centre of the problem of the number of services that ought to be permitted on a particular route and the share of each country should have in these services.

The Chicago Convention was but the first chapter, albeit a successful one, in the work of international co-operation which Franklin Roosevelt described then as part of "a great attempt to build enduring institutions of peace". The Canadian Government continues to subscribe fully to this ideal, for as C.D. Howe said, "if we cannot devise a working system of co-operation and collaboration between the nations of the world in the field of air transport, there will be a smaller chance of our enjoying peace for the remainder of our lives"....

### PROBLEMS OF THE FUTURE

...The trend today is towards greater aircraft productivity and more and longer passenger trips. This means larger, faster, costlier and more complex aircraft, flying more often over greater distances. Foreseeable technological developments include "jumbo" jets, supersonic transports, "hovercraft", vertical and short take-off aircraft and, eventually, hypersonic vehicles propelled partially by rocket motors with speed and performance characteristics akin to those of spacecraft. Large investments will be required by all governments and airlines not only for these more sophisticated vehicles but also for related facilities to accommodate the expected increase in traffic. In Canada, we are acutely aware of these problems and are having to revalue estimates we made only a few years ago. The new Canadian Transport Commission is part of our general effort to improve methods of study and co-ordination in the whole field of transportation, including aviation....