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DECLASSIFICATION DATE 10/22/76
 PER JMC Hund OFFICE EB
 FADRC FOI CASE NO. 630459
Meadow

STATE

SUBJECT: SPECIAL MEETING OF ICAO COUNCIL RE AIRCRAFT HIJACKING

REF: STATE 151211

Following are excerpts from statement which will be made by Secretary of Transportation Volpe in ICAO Council tomorrow. Do not release before 10 am, September 18.

(26)

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E/OA/AVP:JSG/vatt:cld

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APPROVED BY:

E/OA/XXX - Mr. Meadows

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PA/HO, Department of State
E.O. 12958, as amended
June 22, 2004



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DISTRIBUTION ACTION: Anembassy BEIRUT PRIORITY PAGE TWO QUOTE The USA requested last Friday that a special meeting of the Council be convened to respond to the most serious threat to international air transportation since its beginnings. President Nixon has described the threat of air piracy as an "international menace" -- I doubt whether any of us here concerned with international aviation would disagree. The Contracting Parties to the International Civil Aviation Convention have obligated themselves to ensure the safe and orderly growth of international civil aviation. This basic mandate is now threatened by criminal acts which threaten the lives and well-being of passengers and crew and international air transport as a whole. It is imperative that ICAO respond promptly, decisively and effectively to this threat. In the past, ICAO has sought agreement on collective actions based on the recognition that the vital interests of all states are affected by air piracy.

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These past attempts, while significant, are not sufficient to meet the grave threat posed by recent developments. New and more drastic action is required. We have asked that this session of this council be open to the public to demonstrate to the world that ICAO will now generate an international response to air piracy -- a cancer that requires swift and clean surgery-- to assure the safety of international air travel.

In times of emergency, it is clearly necessary for Contracting States to adopt national programs to thwart certain threats presented by air piracy and international blackmail involving the detention of passengers and crew and destruction of aircraft. Many countries, including the United States, have taken such actions in the past few weeks.

President Nixon, in announcing one week ago a seven-point program which the United States would undertake, directed that several actions be started at once. For instance, he directed that specially trained, armed government employees be placed on US Flgg carriers.

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He also directed US Flag carriers to extend the use of electronic surveillance equipment and other surveillance techniques at US gateway airports. He further directed the Secretary of State to consult with other governments and foreign carriers concerning the full range of techniques they use to prevent hijackings. These three programs are now underway.

However, while our government is taking action, it also seeks to establish a common front in the international community because it is through concerted action by that community that effective solutions can best be achieved.

The reasons for this heightened sense of emergency in the attitudes of our government and our public are clear: --We have seen aircraft of four international carriers hijacked and destroyed and other attempts frustrated during the past two weeks. --We have seen--and still see-- innocent airline passengers held as pawns in an international political struggle. --We have seen hijackers and crew members shot

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on board aircraft. --We have seen planes hijacked not only for political blackmail purposes but also by passengers seeking political asylum and for other reasons. --We have also seen delays and inconvenience to passengers and airlines caused by striggent security measures adopted at most of the international airports of the world.

We believe that the most important action that the Council should and can--in fact must--now take, is the acceptance and establishment of certain basic principles directed to effective sanctions. This should be the overriding goal of this meeting.

It is essential that the basic principles set forth in the Tokyo Convention and the draft Unlawful Seizure Convention be applied universally to be effective. However ^{ver}~~never~~ there are at the present time no agreed-upon sanctions to enforce them. Further efforts by ICAO are now plainly required.

The United States believes that the principa action of this meeting should be the adoption of a resolution establishing the basis

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for application of sanctions where appropriate and has presented for your eonsideration a resolutiion for this purpose.

In order to avoid any misunderstandings, let me describe and explain briefly the resolution, paragraph by paragraph.

The first paragraph recites a finding of a heightened threat to the safety and security of international civil air transport. The' principal--though obviously not the only--cause is identified as the detention for blackmail purposes of passengers, crew and aircraft and the fãailure of States to extradite or prosecute persons responsible for such acts.

We believe that hijacking for purposes such as seeking political asylum--no matter how dangerous and reprehensible--does not approach the threat to human life or criminality of hijacking of aircraft for international blackmail purposes. It is this latter practice which squarely challenges the obligations of ICAO members to take further action to ensure the safety of passengers and aircraft engaged in international air transport. It is to this threat that the second

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paragraph of the draft resolution is directed.

The third paragraph calls upon states to take joint action by suspending services to and from any state in two specific circumstances: --The first set of circumstances is the detention for international blackmail purposes by a State of passengers, crew and aircraft, contrary to Article 11 of the Tokyo Convention, after the unlawful seizure of an aircraft. --The second situation is the failure of any State to extradite or prosecute persons responsible for acts of unlawful seizure involving the detention of passengers, crew or aircraft for international blackmail purposes.

Let me make clear that this third paragraph of our proposed resolution is not self-implementing with respect to any particular situation. It is not intended to prejudge the existing situation. It is designed to establish agreement to the general principle that concerted, multilateral sanctions are appropriate in certain circumstances. It would require a triggering mechanism for international action--probably a request by an individual state--followed by concerted action of the international aviation community to implement

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the saaction of suspension of service.

This third paragraph cannot, and does not, create any finding legal obligation. However, it is intended to lay the basis for appropriate, concerted international action pending the entry into force of a new convention calling for the application of sanctions.

✓ The fourth paragraph directs the Legal Committee to extend its session scheduled in London later this month in order to draft a sanctions convention at that meeting.

As you will note, the general principles of sanctions convention as stated in the fourth paragraph of the resolution are identical to those recited in the third paragraph. We do not believe greater detail is needed at this time. The United States will be prepared to submit a draft sanctions convention, as a working paper, at the Legal Committee session in London.

We believe that a sanctions convention should be submitted to this Council by the Legal Committee as soon as possible and thereafter very promptly to a diplomatic conference. END

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