

ROGERS SAYS U.S. IS FIRM ON CUBA

FEB 16 1973

He Declares Hijacking Pact Does Not Foreshadow Improved Relations

NYTimes

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Special to The New York Times

WASHINGTON, Feb. 15 — Secretary of State William P. Rogers today signed the agreement with Cuba intended to curb hijacking between the two countries, but said the accord did not foreshadow any improvement in Washington's relations with Premier Fidel Castro's Government.

Speaking at a news conference at the State Department less than a half hour after he

Text of the antihijacking agreement is on Page 4.

signed the accord for the United States, Mr. Rogers said that the United States would not ease its diplomatic and trade boycott of Cuba until "the policies and attitudes of the Cuban Government" changed.

Simultaneous Signings

"We don't notice any change in the policies and attitude, and therefore our position remains the same," he said in answer to a question on why the United States did not pursue a policy toward Cuba more in line with the Administration's efforts to improve relations with other Communist countries, such as the Soviet Union, China and North Vietnam.

The agreement was signed simultaneously by Mr. Rogers here and by Foreign Minister Raul Roa Garcia in Havana.

Because the two countries have not had diplomatic relations since 1961, the agreement was negotiated in Havana by the Swiss Embassy, which rep-

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resents United States interests there. The Swiss Ambassador to Havana initialed the accord, as did the Czechoslovak chargé d'affaires in Washington.

The document, titled "Memorandum of understanding on hijacking of aircraft and vessels and other offenses," calls on both sides either to extradite or punish with "the most severe penalty" any person who "seizes, removes, appropriates or diverts from its normal route or activities an aircraft or vessel" of one country and takes it to the other.

This language met the wishes of the Cubans, who wanted all "illegal" escapes to be punished, not only hijackings. But under other language in the accord, persons committing "minor offenses"—such as a fisherman stealing a rowboat—need not be punished.

Moreover, the agreement provides for political asylum for those "in real and imminent danger of deaths without a viable alternative for leaving the country."

But even that provision rules out asylum if escaping a ransom is exacted, or physical injury caused.

Commenting on the agreement—which went into effect immediately and does not require Congressional approval—Mr. Rogers said, "There will be no safe haven for hijackers in Cuba or the United States."

He said no changes in United States law were needed to carry out the accord.

He also wants to emphasize, he said, "that nothing in this agreement is inconsistent with the traditional and strongly felt American view of the right to emigrate freely nor does it constitute a change in our overall policy toward Cuba."

Hijackings Decline

Basically, the Administration hopes that the accord will deter further attempts to hijack plane to Cuba. Officials have noted that since negotiations began in November there have been no such hijackings. Over the years, there have been 101 attempted hijackings to Cuba, of which 84 were successful.

Newsmen, noting the continued hardline toward Cuba, pressed Mr. Rogers for an explanation, particularly in light of the rapid progress made in improving relations with other Communist governments.

At one point, Mr. Rogers praised the Cuban officials for their "constructive and very businesslike" attitude in the negotiations.

But he stressed that the agreement "does not foreshadow a change of policies as far as the United States is concerned toward Cuba.

"It is an attempt to deal with a very difficult problem in a practical way," he said. "And I think it does do that."

President Nixon—who in an offhand remark to newsmen on Tuesday first revealed that an agreement had been reached—has consistently asserted that Cuba would have to change her policies before any movement could take place.

NYTimes

THE NEW YORK TIMES, FRIDAY, FEBRUARY 16, 1973

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Text of Accord With Cuba

WASHINGTON, Feb. 15 (UPI)—Following the text of the United States-Cuban agreement signed today in Washington and Havana, called memorandum of understanding on hijacking of aircraft and vessel and other offenses:

The Government of the United States of America and the Government of the Republic of Cuba, on the basis of equality and strict reciprocity, agree:

FIRST: Any person who hereafter seizes, removes, appropriates or diverts from its normal route or activities an aircraft or vessel registered under the laws of one of the parties and brings it to the territory of the other party shall be considered to have committed an offense and therefore shall either be returned to the party of registry of the aircraft or vessel to be tried by the courts of that party in conformity with its laws or be brought before the courts of the party whose territory he reached for trial in conformity with its laws for the offense punishable by the most severe penalty according to the circumstances and the seriousness of the acts to which this article refers. In addition, the party whose territory is reached by the aircraft or vessel shall take all necessary steps to facilitate without delay the continuation of the journey of the passengers and crew innocent of the hijacking of the aircraft or vessel in question, with their belongings, as well as the journey of the aircraft or vessel itself with all goods carried with it, including any funds obtained by extortion or other illegal means, or the return of the foregoing to the territory of the first party; likewise, it shall take all steps to protect the physical integrity of the aircraft or vessel and all goods carried with it, including any funds obtained by extortion or other illegal means, and the physical integrity of the passengers and crew innocent of the hijacking, and their belongings, while they are in its territory as a consequence of or in connection with the acts to which this

article refers. In the event that the offenses referred to above are not punishable under the laws existing in the country to which the persons committing them arrived, the party in question shall be obligated, except in the case of minor offenses, to return the persons who have committed such acts, in accordance with the applicable legal procedures, to the territory of the other party to be tried by its courts in conformity with its laws.

SECOND: Each party shall

try with a view to severe punishment in accordance with its laws any person who, within its territory, hereafter conspires to promote, or promotes, or prepares, or directs, or forms part of an expedition which from its territory or any other place carries out acts of violence or depredation against aircraft or vessels of any kind or registration coming or going to the territory of the other party or who, within its territory, hereafter conspires to promote, or promotes, or prepares, or directs, or forms part of an expedition which from its territory or any other place carries out such acts or other similar unlawful acts in the territory of the other party.

THIRD: Each party shall apply strictly its own laws to any national of the other party who, coming from the territory of the other party, enters its territory, violating its laws as well as national and international requirements pertaining to immigration, health, customs and the like.

FOURTH: The party in whose territory the perpetrators of the acts described in article first arrive may take into consideration any extenuating or mitigating circumstances in those cases in which the persons responsible for the acts were being sought for strictly political reasons and were in real and imminent danger of death without a viable alternative for leaving the country, provided there was no financial extortion or physical injury to the members of the crew, passengers, or other persons in connection with the hijacking.

Final provisions:

This agreement may be amended or expanded by decision of the parties.

This agreement shall be in force for five years and may be renewed for an equal term by express decision of the parties.

Either party may inform the other of its decision to terminate this agreement at any time while it is in force by written denunciation submitted six months in advance.

This agreement shall enter into force on the date agreed by the parties.

Done in English and Spanish texts, which are equally authentic.