

1957

## International Review

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### Recommended Citation

*International Review*, 24 J. AIR L. & COM. 84 (1957)  
<https://scholar.smu.edu/jalc/vol24/iss1/7>

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# INTERNATIONAL REVIEW

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## I. INTERNATIONAL CIVIL AVIATION ORGANIZATION

### A. REPORT OF THE ECONOMIC COMMISSION TO THE ASSEMBLY

#### ACTION ARISING OUT OF THE AGENDA ITEMS REFERRED TO THE ECONOMIC COMMISSION

*Charges for air navigation facilities, including airports*  
(Basic Documentation A10-WP/22, EC/2)

The Commission considered that, since an international meeting on airport charges had already been arranged by the Council for November 1956, and since the Air Transport Committee's study on charges for route air navigation facilities and services had only recently been distributed, there was no need for the Assembly to give any specific instructions on this subject at this time. Views were expressed that it might have been better to have deferred the airport charges meeting until charges for route facilities could be examined at the same time and until States' policies on the whole subject were more developed, but no specific proposals were made for a change in the plans for the meeting.

The final relevant Resolution (A10-31) reads as follows:

THE ASSEMBLY NOTES the action taken by Council in its study of charges for air navigation facilities, including airports, and the course that further work in this field may be expected to follow in the future.

*Prospects of and methods for achieving further international agreement on commercial rights in international air transport*  
(Basic Documentation A10-WP/23, EC/3)

In general the Commission was in agreement with the Council's proposals for future work in this field and on most points the Commission recommends that the Assembly should merely note and approve the relevant parts of the basic paper, although on some points modifications in the program are suggested. It was emphasized that the directives in previous Assembly resolutions on these subjects remain in force unless specifically modified.

### *Scheduled Air Services*

*The Study of Multilateralism in Europe.* The Commission approved without comment that part of the basic document referring to ICAO's collaboration with the European Civil Aviation Conference in the study of multilateralism in the exchange of commercial rights for scheduled services in Europe.

The Delegate of Mexico announced that his Government intended to propose the convening of a meeting of the States in the Caribbean Region to consider their common air transport problems, in somewhat the same way as the European Civil Aviation Conference was considering European air transport problems. He did not, however, suggest that the Assembly take any action in this connection.

*An Air Mail Multilateral Agreement.* The Commission noted that difficulties have been reported from various quarters in connection with commercial rights for the transportation of air mail and that the Council proposed to attempt to develop a draft multilateral agreement concerning these rights for submission to the Universal Postal Union Congress of 1957. The Commission felt, however, that not enough was known of the reported difficulties to justify an attempt to draft a multilateral agreement at the present time and that the views of contracting States and the Universal Postal Union on the subject should be further explored before any specific action was set on foot.

*An Air Cargo Multilateral Agreement.* The Commission noted that the first Strasbourg Conference of 1954 had recommended that member States should grant greater freedom of operation to scheduled air cargo services in Europe, and the Council's proposal to attempt to develop a worldwide multilateral agreement on a similar basis. The Commission observed that the action taken by the European Conference was of extremely limited scope and that it would be premature to base any general worldwide action on it. ICAO should, however, keep a close watch on European developments to see whether any results of general interest might transpire in due course.

*The Comparative and Analytical Study of Bilateral Agreements.* The Commission noted that some progress had been made in the comparative and analytical study of the provisions of bilateral agreements, and approved the proposal to continue this study, noting that it was not regarded as aiming primarily at the standardization of those provisions as its title in the basic document would suggest.

### *Non-Scheduled Operations*

*The Possibility of a Worldwide Multilateral Agreement for Non-Scheduled Operations.* The Commission noted that with the collaboration of ICAO, the European Civil Aviation Conference had developed a multilateral agreement giving substantial freedom to certain types of non-scheduled operation. The Commission agreed with the Council that this agreement might at a later date produce results that would be of interest to contracting States outside Europe, but it was felt that it might be some years before any such results would materialize and that it would be premature at the present time to attempt to generalize the European agreement into something applicable to the world as a whole. In the meantime, ICAO should continue to keep the development of non-scheduled operations in the world as a whole under review.

*The Distinction Between Scheduled Air Services and Non-Scheduled Operations.* The Commission noted that the Council had reviewed its definition of a scheduled international air service and had decided for the present to make no change in it. The Commission felt that no comment was neces-

sary on this matter and agreed with the Council's proposal to keep its definition under review and to study the results of the approach to this problem outlined in the European multilateral agreement.

*Further International Agreement on Commercial Rights*

The Commission felt that it would be premature to convene an international meeting to consider the exchange of commercial rights for scheduled and non-scheduled operations in 1957, as suggested by the Council. Such a meeting might, however, prove to be desirable within the period 1957-1959, and the Council will be able to determine when results of practical value may be expected to be achieved.

The final relevant Resolution (A10-32) reads as follows:

THE ASSEMBLY:

1. NOTES WITH APPROVAL the action taken by the Council in collaborating with the European Civil Aviation Conference in the study of multilateralism for scheduled air services in Europe and the Council's proposal to keep in close touch with that Conference and to continue to collaborate with it, and observes with interest the information that the regional approach to air transport problems is receiving attention by States outside the European region;
2. NOTES that certain difficulties have been reported in connection with commercial rights for the carriage of international air mail, and DIRECTS the Council to examine, in consultation with contracting States and the Universal Postal Union, whether there are any problems in this connection to whose solution ICAO might usefully and properly contribute, and, if so, to take suitable action;
3. NOTES the action taken by the European Civil Aviation Conference aiming at wider freedom for scheduled air cargo services in Europe, and DIRECTS the Council to keep a close watch on European developments in this field to see whether they may, in due course, be of interest to other contracting States;
4. NOTES WITH APPROVAL that part of the basic document dealing with comparative and analytical study of the provisions of bilateral agreements, including the proposal that this study be continued as part of the general study of commercial rights;
5. NOTES WITH APPROVAL the collaboration given by the Council and Secretariat to the European Civil Aviation Conference in the development of its multilateral agreement for non-scheduled operations, and the Council's proposal that the Organization should study the results of this multilateral agreement to see whether, in due course, a similar agreement can be devised for world-wide non-scheduled operations, emphasizing that it is likely to be some time before such results are visible and that in the meantime the development of non-scheduled operations in the world as a whole should be kept under review;
6. NOTES WITH APPROVAL that part of the basic document dealing with the study of the distinction between scheduled air services and non-scheduled operations, including the Council's proposals for future action;
7. NOTES the proposal to convene an international meeting in the period 1957-1959 to consider the exchange of commercial rights, but believes that 1957 would be too early for such a meeting, leaving it to the Council to decide when this meeting would have a reasonable prospect of achieving useful results.

*ICAO policy in relation to International Air Mail*  
(Basic documentation A10-WP/24, EC/4)

The Commission, after hearing some comments as to the nature of the material that had been furnished the Universal Postal Union in the past, and the nature and extent of ICAO's comments thereon, noted that this material was improving in quality and coverage, and that ICAO had consistently refrained from trying to fix rates in this field. Even so, the Commission was of the opinion that extreme caution should be exercised in giving advice to the Universal Postal Union. On the whole, and subject to the foregoing reservations, it seemed that the Organization's existing policy, as set forth in its Document 6844 and modified by the Council on 16 March 1954 so as to direct the Secretary General to continue to furnish the UPU on request with information of a factual character which may be readily available, while other requests should be referred to the Air Transport Committee for recommendation to the Council, was satisfactory. The question of the extent to which contracting States should be consulted as contemplated by Resolution A4-21 when important material involving matters of policy was sent to the UPU received some consideration, and it was generally agreed that States should be consulted in cases where it seemed likely that they might hold strong and possibly divergent views.

The final relevant Resolution (A10-33) reads as follows:

THE ASSEMBLY NOTES the history of the Organization's policy development in the field of international air mail, as set forth in the basic documentation, and RECOMMENDS that the Organization should adhere strictly to its present practice of having the Secretary General furnish the UPU, on request, information of a factual character which may be readily available, and that other requests should be referred to the Air Transport Committee for recommendation to Council.

The Council should continue to exercise its discretion under Resolution A4-21 as to whether a proposed expression of opinion of recommendation concerning policy matters in the field of international air mail is of such a nature as to indicate the desirability of reference to the contracting States prior to any communication thereof to the Universal Postal Union. In doing so, the Council should bear in mind that, on matters of basic importance on which States might hold strong and possibly divergent views, it should ordinarily seek the views of States before committing them to a statement of Organization policy.

*General review of the past work and the future program of  
the Organization in the economic field*  
(Basic documentation A10-WP/21, EC/1)

The Commission noted the review on the past work of the Organization in the economic field contained in the first half of the basic document, and observed that the future work program for the studies of airport charges, charges for air navigation facilities, commercial rights for scheduled air services and non-scheduled operations, and air mail, and future work in connection with the European Civil Aviation Conference, had already been dealt with separately under individual agenda items. This left to be considered only the last three items in the active list of studies in paragraph 14 of the basic document, and the reserve list of projects for attention as resources permit, in paragraph 15.

*Definitions in the Air Transport Field.* A number of delegates commented on the great difficulty of developing satisfactory definition for international use and queried whether the study of such definitions could produce any useful results except in the special and limited sphere of statistics. Other delegates felt, however, that definitions were extremely important and

justified study from their economic and general aspects as well as for the purposes of statistics. It was decided to accept the Council's proposal that this study should be continued.

Particular emphasis was laid on the importance of clarifying the distinction between international and domestic air transport, and attention was again drawn to the difficulties caused certain States by the definition of an "international air service" in Article 96 of the Convention.

*Study of the Interchange of Aircraft.* The Commission agreed that it would be premature at the present time to attempt to develop a general multilateral agreement governing the interchange of aircraft, based on the work done by the European Civil Aviation Conference. The economic aspects of the problems of aircraft interchange are, however, of importance to many States throughout the world and should continue to be studied. On the final item under paragraph 14, "Other Subjects," there was no comment.

*Economic Implications of Long-Range Jet Aircraft.* As a result of a proposal by the French Delegation, the Commission agreed (by a vote of 13 to 11) that ICAO should make a study of the economic implications of the introduction into service of long-range jet aircraft. This study would cover all economic problems raised by the new aircraft whose great speed, size and range affect every factor on which air transport economic depends. Some delegates felt that such matters would be better studied in connection with the other items of the economic or technical work program, and others were against the proposal on the grounds that the study was ill-defined and that no data was available, but a majority of the Commission were in favor of adding a study of this kind to the active part of the Organization's work program.

*Projects for Attention as Resources Permit.* Some delegates favored the elimination from the work program of the projects for attention as resources permit in paragraph 15 of the work program in the basic document, on the ground that these projects did not satisfy the criteria for the selection of subjects for study adopted by the Council and endorsed by the Assembly in resolution A7-14. In particular, the items relating to competition, air transport rates and subsidies were objected to as being difficult and costly to study as well as not satisfying the Council's criteria. Other delegates, however, felt that these three items were of such outstanding importance that they should be transferred to the active part of the work program set forth in paragraph 14 of the document. The Commission ultimately decided that the list of items for study as resources permit, should be retained in the form suggested by the Council and that these items should be surveyed in a preliminary way by the Secretariat. Before giving special attention to any one of them, however, the Council should satisfy itself that the state of progress indicated that international action would lead to concrete results.

The final relevant Resolution (A10-34) reads as follows:

**THE ASSEMBLY:**

1. NOTES the reviews of the past work of the Organization in the economic field contained in the basic document on this subject, in the relevant parts of the Council's Report to the Assembly and its Supplement, and in previous reports and documents;
2. NOTES the Council's proposed work program in the economic field for the years 1957 to 1959 contained in the basic document (A10-WP/21, EC/1), as modified by the Assembly's action on Agenda Items 27, 28 and 29 as regards certain activities listed for special attention in paragraph 14 of the work program;

3. NOTES that before giving the status of subjects listed for special attention in paragraph 14 to any of the reserve subjects listed in paragraph 15 of the work program, the Council will satisfy itself that the state of progress indicates that international action will lead to concrete results; and
4. DIRECTS the Council to include in its list of items to receive special attention in the years 1957 to 1959 a study of the economic implications of the introduction into service of long-range jet aircraft.

*Program of Work of ICAO in the Facilitation Field, Including:*

*a. General Program in the Facilitation Field*  
*(Basic documentation A10-WP/25, EC/5)*

The Commission noted with satisfaction the substantial achievements of the Organization in the field of facilitation and the work program set forth in the basic paper. At the same time the Commission recognized that although the facilitation program had succeeded in clearing away many obstacles, steadily increasing speeds of aircraft and increasing volumes of traffic accentuated the seriousness of those that remained. It therefore appeared to the Commission that additional efforts were required (a) of Contracting States, through their aviation departments, National FAL Committees and through meetings with neighboring States; (b) of operators individually and through their associations (IATA, FITAP, FAI) providing additional cooperation and advice; and (c) of the Organization, through its Secretariat's furnishing further assistance as appropriate to the governments and other international organizations concerned. Such efforts, while primarily related to the elimination of deviations from Annex 9, should also be directed toward a wider implementation of recommendations, other than those included in the Annex itself, which the Council had made on the basis of Facilitation Division reports.

The final relevant Resolution (A10-35) reads as follows:

- WHEREAS each State has certain obligations arising from Articles 22 and 23 of the Convention, and under Annexes to the Convention prescribed pursuant to Article 37 thereof, to adopt all practicable measures to facilitate air navigation and to prevent unnecessary delays arising under immigration, quarantine, customs and clearance laws; and
- WHEREAS it appears that further efforts are required by contracting States in eliminating deviations from Annex 9 covering the Facilitation (FAL) field; and
- WHEREAS the increasing traffic volume and speed of aircraft accentuate the importance of the work of ICAO in the Facilitation field; and
- WHEREAS improvements in the Facilitation field are often difficult to achieve because the concurrence of several government departments, whose interest in aviation is only secondary, is frequently required; and
- WHEREAS it appears that additional efforts are required of contracting States, through their aviation departments, national Facilitation committees, aircraft operators and their associations, to provide additional cooperation and advice, and of ICAO, through its Secretariat's furnishing further assistance as appropriate to the governments and other international organizations concerned;

THE ASSEMBLY RESOLVES:

1. That each State should give special attention to its obligations arising from Articles 22 and 23 of the Convention and increase its efforts to implement Annex 9 on a uniform basis, as well as the additional

- recommendations made by each FAL Division Session in the field of Facilitation, and should take the initiative from Annex 9 which exist in its national practices, particularly with a view to eliminating such deviations, and should transmit the results of such reviews to the Organization;
2. That each State should take all necessary steps, through national FAL committees or other appropriate means, for
    - a. regularly calling the attention of all interested departments of its government to the need for (i) making the national laws and regulations conform to the provisions of Annex 9 and (ii) working out satisfactory solutions of day-to-day problems in the Facilitation field; and
    - b. taking the initiative in any follow-up action required and in proposing inter-governmental meetings with neighboring States on Facilitation matters whenever this will provide further facilitation;
  3. That each State should encourage its aircraft operators, individually or through the associations to which they belong, to continue to co-operate intensively with their governments as regards (a) outlining the precise nature of Facilitation problems and offering suggested solutions therefor, (b) assisting in the day-to-day development of Facilitation procedures which will impose the least amount of restraint on air transport while at the same time ensuring adequate protection of national interests, and (c) advising and furnishing material in connection with studies on the Facilitation aspects of terminal installations and ground-stop time;
  4. That aircraft operators should be urged, on their own account, to take such practical measures in the field of Facilitation, in addition to measures taken by governments, as might add to the effectiveness of government action in that field;
  5. That each State should give attention to the proven advantages derived from participating in regional facilitation programs, such as the one developed by the European Civil Aviation Conference;
  6. That the Council of the Organization should take the initiative in annually reviewing the status of implementation of Annex 9 and in indicating, to the extent practicable, the particular aspects which require further intensive work by States and their operators;
  7. That the Council should give emphasis to the implementation of the Facilitation program, both at Headquarters and in the Regional Offices, by (a) making the services of the Secretariat available to governments for assistance on Facilitation matters on the spot, where desirable, and (b) having the Secretariat work with the United Nations and other specialized inter-governmental organizations on any action aimed at Facilitation in the wider fields of international transport, and participate in inter-governmental regional meetings, as well as in meetings of other international organizations, when such meetings are dealing with Facilitation problems;
  8. That the Organization should provide sufficient manpower and resources to handle effectively the Facilitation work to be done both at Headquarters and in the Regional Offices.
- b. *Article 29 in relation to the carriage in aircraft of certain documents and possible consequential amendments*  
*(Basic documentation A10-WP/26, EC/6)*
- The Commission considered this matter on the basis of a specific proposal by the United Kingdom for amendment of Article 29(d) and deletion of



Article 34 of the Convention, so as to eliminate all reference to the Journey Log Book. It also considered pertinent factual background material, as well as recommendations by the Fourth Session of the Facilitation Division and the 1954 Conference on Coordination of Air Transport in Europe for more comprehensive amendments to Article 29. After considerable discussion, the Commission decided, by a vote of 16 to 15, with one abstention, not to recommend the amendment of Article 29(d) and consequent deletion of Article 34. At the same time the Commission believed that the Assembly could make a useful declaration on the matter and, after several alternatives had been developed by Working Groups, arrived at what it considered to be a satisfactory declaration.

The final relevant Resolution (A10-36) reads as follows:

*Journey Log Book*

WHEREAS Article 29 of the Chicago Convention states that every aircraft of a contracting State engaged in international navigation shall carry a journey log book; and

WHEREAS the material to be contained in such a journey log book is generally described in Article 34 as including particulars of the aircraft, its crew and of each journey, but the Organization has not to date prescribed any detailed form for the journey log book; and

WHEREAS the particulars described in Article 34 are included in the General Declaration referred to in Chapter 2 of Annex 9 to the Convention; and

WHEREAS in the interest of Facilitation it is the desire of States to simplify documentary requirements;

THE ASSEMBLY RESOLVES that the General Declaration, when prepared so as to contain all the information required by Article 34 with respect to the journey log book, may be considered by contracting States to be an acceptable form of journey log book; and the carriage and maintenance of the General Declaration under such circumstances may be considered to fulfill the purposes of Articles 29 and 34 with respect to the journey log book.

*Program of work of ICAO in the Joint Support field, including:*

*a. General progress and program:*

*b. Progress toward standardization and simplification of Agreements  
(Basic documentation A10-WP/27, EC/7, and Supplement)*

The Commission noted that an international meeting to simplify the existing Danish and Icelandic Joint Support Arrangements had already been convened by the Council for September 1956, and that the documentation for that meeting, including draft model Joint Support Arrangements, had recently been distributed.

The Commission also noted that any joint support action ultimately depended on the consent and willingness to pay of the States whose airlines used the facilities or services. Certain States expressed the hope that a greater degree of meeting of minds might be achieved in the near future so as to make possible a broadening of the joint support activities through development of new schemes. Certain States also believed that the Council should encourage the use of joint support as a means to this end. However, in view of the comprehensive resolution on Agenda Item 20 prepared by the Executive Committee, the Commission did not feel that it was incumbent on it to pass an additional resolution on this particular subject, and indeed was of the opinion that to do so might cause confusion.

The Commission does, however, as a result of its general review of ICAO's activities in the joint support field and of the standardization and simplification of joint support agreements, recommend that the Assembly take action.

- c. *Authorization for the Secretary General to provide for various payments to aided States through limited use of the Working Capital Fund in certain defined circumstances*  
(Basic documentation A10-WP/28, EC/8)

The Commission noted that the pertinent provisions of the existing ICAO financial regulations (Doc. 7515) dealt only with Joint Financing projects in respect of which an arrangement for joint financing under Chapter XV of the Convention did not exist but "was expected." The Commission was of the opinion that there ought to be a provision for advancing funds on account of projects for which International Joint Financing Arrangements already existed, where the need for such advance arose from the fact that contributions of participating States were still awaited at the relevant time and the State responsible for the operation of the project was not in a position to defray the costs without such contributions.

The Commission accordingly, after a full basic discussion, decided to recommend to the Administrative Commission that: (a) The ICAO Financial Regulations (Doc. 7515) be amended to provide for the advance of funds from the Working Capital Fund in respect of expenditures covered by properly constituted International Joint Financing Arrangements, along the lines indicated in A10-WP/28, the actual text of the amendment to be developed by the Administrative Commission; and (b) the exact amount to be made available for this purpose be determined by the Administrative Commission, after due consideration of its effect upon the level of the Working Capital Fund of the Organization, but that the amount should not be less than \$100,000 nor more than \$200,000.

The final relevant Resolution (A10-37) reads as follows:

*Program of Work of ICAO in the Joint Support Field*

THE ASSEMBLY NOTES WITH APPROVAL the activities of ICAO in the Joint Support field and the progress being made towards the standardization and simplification of Joint Support agreements.

*Statistical Activities of the Organization*  
(Basic documentation A10-WP/29, EC/9)

The Commission noted the basic document on this subject submitted by the Council, approving without comment that part of it dealing with past activities. The future program appended to the document was also approved, and it was emphasized that contracting States regarded the existing statistical system as being in general both effective and useful. As the document showed, however, further improvement was clearly desirable in the filing of the statistics by contracting States, and the comments of a number of Delegates indicated that further efforts should be made to interpret and analyze the material received and to publish it more rapidly. It seemed desirable also that arrangements should be made for examining in detail the desirability and the practicability of extending the existing statistical system by the collection of additional material. In particular, a number of Delegates felt strongly that the collection of Origin and Destination statistics should be studied again to see whether an economical and effective method could not be devised for obtaining this data.

These considerations led to the suggestion that a program of closer cooperation and coordination between contracting States and the Secretariat

might be developed so that experts in governments with substantial statistical departments could help to solve the problems of those governments that were less developed in this respect and could also examine any part of ICAO's statistical machinery requiring improvement, including such problems as the collection of Origin and Destination statistics. It was felt that collaboration of this kind might be achieved by periodic meetings of the Statistics Division, by the establishment of a panel of statistical experts with whom the Secretariat might consult, and by providing some form of statistical advice of assistance to contracting States that needed it. It was emphasized that the Statistics Division should deal with the technical aspects of ICAO's statistical work and should, therefore, be attended by statistical experts, matters of policy having been determined by the Air Transport Committee and the Council. The financial arrangements for providing statistical advice and assistance to contracting States were not discussed in detail, but it was pointed out that in some instances a State receiving such assistance might be prepared to pay for it.

The final relevant Resolution (A10-38) reads as follows :

THE ASSEMBLY :

1. NOTES WITH APPROVAL the basic document on the statistical activities of the Organization, including the work program appended thereto, stressing the importance that it attaches to the review by the Secretariat, in accordance with the Council's instructions, of the problems of collecting origin and destination statistics mentioned in the work program;
2. URGES contracting States to ensure that meetings of the Statistics Division are, so far as possible, attended by statistical and accounting experts; and
3. DIRECTS the Council:
  - a. To call Divisional or other meetings, as necessary, to examine the statistical problems of contracting States and ICAO in order to meet more effectively the needs of the Organization and to improve the uniformity of the statistics, the completeness and timeliness of reporting by States, the form and content of analyses and publications, and the speed of dissemination by the Organization, the initial meeting to be called at the earliest practicable date to examine the existing statistical system with these objectives in view and in the light of directives relative to the needs of the Organization and contracting States to be formulated by the Air Transport Committee and Council in consultation with contracting States;
  - b. To establish a panel of statistical and accounting experts of States whom the Secretariat may consult at any time by correspondence or personal visits; and
  - c. To make arrangements, on an appropriate basis, for assistance to be given upon request to contracting States by personnel of the Secretariat or of the panel, or designated by the Secretariat or the panel, for the improvement of their air transport statistics and their statistical reporting to the Organizations.

## B. FINAL REPORT OF THE EXECUTIVE COMMITTEE

Among the items discussed by the Executive Committee were the following:

### *Relationship of ICAO with the European Civil Aviation Conference*

The Committee had before it the basic documentation on the subject, A10-WP/9, EX/7.

In initiating the debate in the Committee, M. Nottet (Chief Delegate of Belgium) in his capacity of President of ECAC presented an oral statement tracing the developments since 1954 which led to the formation of ECAC. In the course of deciding on the status of the Conference, three alternatives had been considered: (i) complete independence of ICAO; (ii) complete integration with ICAO as a subsidiary body of the kind envisaged in Article 55(a) of the Convention; and (iii) a sort of intermediate status characterized by a close relationship with ICAO but also a considerable degree of autonomy. The third alternative was the formula eventually adopted by unanimity of the Conference. In Resolution I, the Conference declared its intention to maintain close liaison with ICAO and requested the continued provision of Secretariat service by ICAO, subject to the determination by this Assembly of the financial relationship between the two bodies. Finally M. Nottet expressed the hope that ICAO would be disposed to accept the kind of relationship suggested, and would continue to provide the necessary services.

In the discussion that followed, the attention of the Committee was focused on two principal points, the organic relationship between ICAO and ECAC and the demarcation of financial responsibilities to defray cost of the work done in connection with the ECAC activity.

With respect to the former a large number of Delegations, including Argentina, Mexico, Italy, Canada, the United States, New Zealand, France, and others, manifested support to the so-called intermediate status of ECAC. Most Delegations believed that although ECAC was born of interest and of importance to international civil aviation and as such deserved collaboration and support from ICAO. There was no dissenting opinion on the continued provision of secretariat services by ICAO to ECAC.

A small minority, including the Delegations of Portugal, Austria, Denmark and Sweden, however, expressed some concern at the quasi-independent status of ECAC and indicated in no uncertain terms that they would have preferred to see it constituted as a regional air transport commission within the framework of the ICAO Convention — which, as its preamble clearly stated, had the objective of developing international civil aviation in every part of the world in a safe and orderly manner. The Delegate of Mexico insisted that the intermediate status of ECAC was entirely compatible with the Convention, since Article 83 expressly authorized Contracting States to make arrangements not inconsistent with the provisions of the Convention.

As to the question of financial responsibility for services to ECAC, there was general agreement in the Committee that direct costs incurred by ECAC should be borne by member States of ECAC, and indirect costs by ICAO. The only dissenting view was expressed by the Delegate of Czechoslovakia, who maintained that as the status of ECAC was similar to that of other organizations from which certain European States were excluded, and that not all the States of Europe — in fact, not all Contracting States in the region — had been invited to the Conference and as the meaning of the so-called intermediate status was obscure, he was in a position to favor the proposal that ECAC be given the kind of financial assistance envisaged in A10-WP/9 paras. 17-19.

At the close of the debate, the Committee approved a proposal by the Delegate of Mexico for the establishment of a working group, whose members, half from European States and half from non-European, would be appointed by the Chairman, to prepare a draft resolution on the relationship between the two organizations and the allocation between them of the costs incurred in connection with ECAC work, based on paragraphs 19 and 20 of A10-WP/9 but also taking into account the discussion of the Committee.

The Working Group subsequently appointed by the President consisted of Delegates from the following States: Belgium, France, Portugal, the United Kingdom, Sweden, the United States, India, Mexico, New Zealand and Pakistan; it held four meetings under the Chairmanship of Dr. E. M. Loaeza (Mexico), Mr. E. M. Weld acting as Secretary. The Group finally on July 6, 1956 presented to the Committee a draft resolution, A10-WP/111, EX/28, which after some discussion was put to a vote resulting in 38 affirmative votes, without opposition but with 11 abstentions. After the vote, M. Nottet, the President of ECAC, expressed his appreciation of the action taken by the Committee and gave assurance that the members of ECAC had every desire to give effect to the provisions of the Convention and a firm determination to reach agreements to promote air transport in Europe and hence contribute to the development of civil aviation of the world.

The final relevant Resolution (A10-5) reads as follows:

WHEREAS the Assembly notes:

1. That, at the instance of the Council of Europe and as a result of action by ICAO, 19 European States, presently members of ICAO, have constituted the European Civil Aviation Conference (ECAC) — whose constitution, objectives, and rules of procedure are set forth in ICAO Document 7676, ECAC/1 — with the particular purpose, among other things, of promoting the coordination and better utilization of intra-European air transport;
2. That ECAC has sought close liaison with ICAO in order, through regional cooperation, to help achieve the aims and objectives of ICAO as set forth in the Convention on International Civil Aviation;
3. That ECAC does not intend, at least at the outset, to establish a separate secretariat of its own, but desires the Council of ICAO to provide, to the extent practicable,
  - (i) Secretariat services for studies, meetings (plenary meetings normally to take place annually) and other related activities, and
  - (ii) Maintenance of records, correspondence and the like in the ICAO Paris Office;
4. That specific aspects of the relationship to be developed between ECAC and ICAO, at the request of the former, include consultation as to dates of and agenda for ECAC meetings, distribution of ECAC reports to the ICAO Council, performance by ICAO of various functions relating to ratifications, entry into force, adherences, denunciations, safekeeping, etc., of agreements on commercial rights and the like developed by ECAC and also the interchange of documentation and studies on technical aviation subjects;
5. That ICAO's work in the Joint Financing field under Chapter XV of the Convention has developed a practice under which the direct costs (such as travel, subsistence, cost of accommodations and supplies at meetings, cost of temporary personnel engaged for meetings, etc.) are charged to the States participating in the particular project involved; and indirect costs (such as salaries of the regular ICAO

staff, research and production of advance documentation at headquarters, etc.) are borne by ICAO;

and further notes that the work program of ECAC is consistent with, and should usefully complement, the work that ICAO is pursuing in the air transport field, particularly along the line laid down by Assembly Resolution A7-15 and 16, and is in furtherance of the objectives of ICAO as defined in the Convention;

#### THE ASSEMBLY RESOLVES :

1. To assume, on behalf of ICAO, the responsibilities that will devolve upon the Organization as a result of acceding to the request of ECAC, and to declare ICAO's readiness to maintain, for its part, the close liaison proposed by ECAC;
2. To direct the Council to provide, always taking into account the over-all work load of the ICAO Secretariat, the secretariat and other services requested by ECAC to the extent necessary for its proper functioning;
3. That indirect costs attributable to the ECAC activity hereunder shall be borne by ICAO;
4. That the direct costs attributable to the ECAC activity shall be the responsibility of the member States of ECAC, but may be advanced by ICAO, in which event they shall be recovered from the member States of ECAC in such proportions as may be agreed upon by such States within the framework of ECAC.

#### *Future Frequency of Assembly Sessions*

The Committee discussed the subject on the basis of the supporting paper A10-WP/3, EX/1 and Addendum, in which was presented, *inter alia*, the information that 38 Contracting States had now deposited instruments of ratification of the Protocol embodying amendments to Articles 48(a), 49(e) and 61 of the Convention, which were adopted by the 1954 Assembly. Only four more ratifications were required to bring these amendments into effect.

All delegates who spoke agreed that annual sessions of the Assembly could in the near future be dispensed with; opinions, however, differed on the question of the proper interval between sessions. While two Delegates, those of the United Kingdom and the Netherlands, expressed a preference for triennial sessions, other delegations including those of France, Italy, Nicaragua and Czechoslovakia considered the biennial arrangement a more appropriate choice. Arguments advanced in support of the biennial system included that too long an interval between Assembly sessions would run the risk of lessening the interest of States — particularly non-Council member States — in the Organization and that the triennial arrangement would not afford sufficiently frequent opportunities for Contracting States to maintain contracts with the Organization or to pass judgment on the activities of the Council. As, however, the biennial arrangement of Assembly sessions might entail an amendment of Article 50(a) of the Convention relating to the term of office of Council, its advocates were willing to accept for a trial period, the Council's recommendation of a major session in 1959 and a limited session in 1957 or 1958 if found necessary, though two of them emphasized that their support was conditional upon the continuance of the working methods followed by the Council during the past several years and the maintenance of the present distribution of responsibilities between the Council and the Assembly.

The consensus of views of the Committee finally crystallized around a draft resolution submitted by the French Delegation declaring that the

Assembly refrained from adopting at this time any definite policy on the frequency of Assembly sessions and requesting the Council to convene, during the forthcoming three-year period, an Assembly session in 1959 for a general review of ICAO activities and for election of the Council and another session either in 1957 or 1958 and to prepare the agenda for that session as appropriate. Commenting on the text of the draft resolution, some delegates saw no need for the distinction between major and limited or administrative sessions of the Assembly; the preparation of the Agenda for the Assembly being the specific responsibility of the Council in accordance with Rule 10 of the Standing Rules of Procedure of the Assembly.

After further discussion on points of drafting, the Committee accepted the motion of the Delegation of the United Kingdom to take a vote on the substantive issue:

"Will the Committee recommend to the Plenary that there should be an Assembly session either in 1957 or in 1958."

The result was 41 in favor, none opposed and two abstentions.

The final relevant Resolution (A10-13) reads as follows:

WHEREAS thirty-eight contracting States have now deposited instruments of ratification of the protocol embodying amendments to Articles 48(a), 49(e) and 61 of the Convention and it is therefore expected that the said amendments will come into force in the near future, thus dispensing with the requirement for holding annual sessions of the Assembly;

THE ASSEMBLY,

Refraining from adopting at this time any definitive policy regarding the frequency of Assembly sessions,

RESOLVES that for the forthcoming three-year period the Council be requested to convene an Assembly session in 1959 and another session either in 1957 or in 1958.

C. ICAO "JET AGE TASK FORCE" SEES URGENT NEED FOR  
IMPROVEMENT IN NORTH ATLANTIC REGION AIR  
TRAFFIC CONTROL AND COMMUNICATIONS

The International Civil Aviation Organization made public on January 9, 1957 the conclusion of its special panel of aeronautical authorities that "the world's outstanding case of immediate and compelling need for aviation improvement relates to air traffic control and communications in the North Atlantic Region . . . The enormous volume of air traffic is already suffering difficulties, delays and forced acceptance of undesirable conditions of operation which will grow worse with continuing expansion of air traffic until remedies for some of the fundamental causes of the present troubles are agreed upon and applied . . . Without collective action by all the governments whose airlines fly the Atlantic, the development of North Atlantic air traffic will be more and more handicapped as the traffic continues to grow."

The Panel was appointed by the ICAO Council upon request of the Tenth Session of the ICAO Assembly held in Caracas in June 1956, to consider what improvements in air navigation services and facilities will be most necessary during the next five years. Dr. Edward Warner is Chairman, members are Colonel Luis de Azcárraga of Spain, Colonel Helio Costa of Brazil, A. P. Dekker of The Netherlands, Jerome Lederer of the United States of America, René Lemaire of France, and Air Vice Marshall Sir Victor Tait of the United Kingdom.

The Panel found that the North Atlantic not only has by far the heaviest transoceanic traffic in the world, but one of the heaviest of all international routes; year after year there have been consistently large increases in the

number of civil flights over the region. Analysis of transatlantic flights made during the summer of 1956 shows that more than half of these flights suffered substantial difficulties originating in communications or air traffic services. Forty per cent of the flights were unable to fly at the altitudes they had requested, or had to change their flight plans after departure because of air traffic control instructions, while twenty per cent were delayed on the ground awaiting air traffic control clearance. One-quarter of the flights reporting on congestion of air-ground communications circuits experienced delays averaging fifteen minutes because of this congestion; fifteen per cent of those flights reporting on air-ground communications failures due to radio propagation disturbances were unable to communicate with any ground station for periods of between one and two hours, and six per cent more for periods of less than one hour. Because of these communications failures, forty-four search and rescue alerts on civil aircraft were declared in the Gander Control Area during the period from June to August of 1956; the aircraft for whom these alerts were called were not in trouble, but a search and rescue alert is called after an aircraft has been unable to communicate with the air traffic control center for a certain length of time.

The Special Implementation Panel, noting that "the main causes underlying the difficulties are unreliable fixed communications among Gander, Greenland, Iceland and Shannon/Prestwick, unreliable and congested air-ground communications, and inadequate position-fixing by aircraft in flight, made the following recommendations for improvement:

1. A technique for point-to-point radio communications, called "VHF Forward Scatter," appears to hold much promise, as it is not subject to the blackouts that afflict the high frequencies now used . . . ICAO member states should consider the financial aspects of providing the system, including that of joint financing of the Iceland and Greenland stations . . . If technical evaluation supports the establishment of this circuit, everything possible should be done to have it operating by the summer of 1958. (The Forward Scatter technique has been under development for the past few years; it operates on frequencies in the 30 to 60 megacycles/second band and depends upon the ability of the ionosphere to scatter radiated energy of these frequencies so that a minute amount of this energy will reach distances of a thousand miles or more.)

2. As a matter of urgency, tests should be pressed forward with a view to incorporating additional ground wave radio stations in the North Atlantic regional plan at locations where they will assist substantially in maintaining air-ground communications. (Ground wave communications, which is conducted on frequencies in the region of 3 mc/s from stations as close as possible to the edge of the sea, is not disrupted by the propagation disturbances which are present in the auroral zone.)

3. States concerned should give every support to any Consol installation plan that results from action of the ICAO Air Navigation Commission. (Consol is a type of long range radio beacon station used for position-fixing by aircraft in flight. Consol stations are in operation in Western Europe and in the United States, but gaps exist in the Consol chain across the North Atlantic.)

The Panel also recommended that the states of the North Atlantic region should examine the extent to which recommendations of a Special North Atlantic Regional meeting held last year are being followed or implemented, and that they should report any difficulties fully and promptly to ICAO.

#### ICAO IMPLEMENTATION PANEL MEETING IN EUROPE

During their January meeting the Panel found that so far as present services are concerned the situation is generally satisfactory throughout



most of northern and western Europe. In much of southern Europe and in countries bordering the eastern Mediterranean, the provision of facilities and services has not reached so high a degree of completion as in the rest of the region, and special efforts may be necessary in some countries.

One service requiring such improvement is that of communications between ground stations. The efficient operation of any system of air route is dependent to a large degree on the speed with which messages concerning flights can be passed from one point to another on the ground. As in other regions of the world, the countries comprising the European-Mediterranean Region have organized a network of communications circuits for passing such messages. The Panel found that in some parts of the network it is important that the time taken for these messages to reach their destination be reduced, and recommended measures to be taken toward improving the organization of communications stations and the training of personnel.

Another matter to which the Panel gave its attention was the provision of a more complete network of upper air observations stations in southern Europe and the Mediterranean area. Such stations send up balloons at intervals of a few hours, carrying lightweight instruments and transmitting equipment for automatically reporting the weather conditions at the various altitudes through which the balloons pass, up to extreme heights of 15 or 20 Km. The winds encountered are also determined by tracking the balloon movements by radio or radar. The data thus collected are used by meteorologists to provide pilots with forecasts of the weather and wind conditions along the routes they are flying. The establishment of an adequate network of such stations is of the utmost importance to present-day air transport operations, and will be of even greater significance when new high speed, high altitude jet transport aircraft are introduced on European air routes. The Panel expects to consult with individual governments on the need for filling the most vital gaps in the present network.

On a more general subject, the Panel saw a need for maintaining a uniformly high standard in the training of personnel to maintain and operate the air traffic control and communications services in Europe. There is a requirement also for keeping trained personnel of States having limited technical resources up-to-date in their fields, and suitable refresher courses for such personnel may be helpful.

The demands of modern high speed aircraft, and the even more advanced aircraft now under construction, make it necessary that the existing ICAO plans for European aerodrome and airway development, and for communications, meteorological, and air traffic control services should be reviewed and brought up-to-date. A complete review will be made at a regional meeting that ICAO will hold during the coming summer. The Panel urged that governments attending the meeting will maintain a regional approach to their task, to produce an integrated plan for Europe as a whole.

#### SOUTH AMERICAN AND CARIBBEAN AREAS

Further meetings of the Panel have recently been held in Lima (Peru) and Mexico City, the regions covered on these occasions being the South American and the Caribbean areas. If there is any outstanding information in regard to these meetings, it will be reported in the next issue.

## II. INTERNATIONAL AIR TRANSPORT ASSOCIATION FACILITATION ADVISORY GROUP

Representatives of the world's scheduled airlines met in Madrid, January 22-25, 1957, to find ways to eliminate the red tape, created by customs and other authorities, which hampers the movement of passengers and cargo

by air. Officials of the Spanish Government and members of the International Civil Aviation Organization attended the meeting as observers.

With hundreds of millions of dollars being invested in new types of aircraft on order for the jet age with its emphasis on speed, airlines and governments know that when travel time is cut in half, the time spent on the ground must be reduced. If existing formalities remain unchanged, the group feared passengers would be spending more time on the ground than they would in the air.

The Facilitation Group discussed various questions which they felt might usefully be raised at the European Civil Aviation Conference meeting to be held in Madrid on April 28, 1957, *i.e.*, the simplification of aircraft documentation, passenger baggage examination, immigration forms, public health procedures, etc. It was felt that this meeting might provide an opportunity to initiate Facilitation measures in Europe which might not be so readily implemented in other parts of the world.

### III. INTERNATIONAL CHAMBER OF COMMERCE

#### GENERAL TRANSPORT COMMISSION

##### TAXATION OF AIR AND SEA TRANSPORT

At the meeting of the General Transport Commission, to be held on March 28, 1957, the following Draft Resolution will be placed before the meeting:

The International Chamber of Commerce considers that there is a marked tendency towards introduction and increase of taxes levied on the gross receipts from international transportation. For this purpose, taxes on gross receipts shall mean the taxes that are assessed on and are basically variable with the moneys received as payment for the performance of international transportation services (as distinct from charges levied for specific services rendered other than international transport) and that are collected either because of the mere fact of the receipt of such moneys or because of the actual performance of the international transport.

Such taxes on international transport materially increase its cost, cause inconveniences to travellers and shippers as well as entrepreneurs and thus hamper international traffic and trade.

Such taxation is contrary to the several fiscal incentives as instituted in many legislations for the purpose of encouraging international trade and reduces the benefits to be derived by reciprocal exemption from income tax on profits of international transport.

The International Civil Aviation Organization during the session of its Council on October 4th, 1951, adopted a recommendation to governments to eliminate or reduce to the greatest possible extent the taxes on the sale and use of air transportation.

Along this line the ICC recommends that the taxation of gross receipts from international transportation be eliminated and that no refusal of exemption from taxation should be founded on the absence of reciprocal services.

### IV. INTERNATIONAL LAW ASSOCIATION

#### 47th CONFERENCE

Apart from other subjects, three papers on international air law were read and discussed during the meeting which was held in Dubrovnic, August-September, 1956. The first, prepared by Maître Garnault, related to the question of execution of judgment in cases arising under aviation conven-

tions. The second, by Dean Chauveau, dealt with the question of the establishment of a system of international forum in appeals cases, to deal with matters arising out of international air law conventions. A sub-committee was appointed to examine the matter further and to report to the Association. The subjects dealt with by both these papers are included in Part B of the Work Program of the Legal Committee of ICAO.

The third paper, by Professor Goedhuis, was on the question of air sovereignty on which the following resolution was approved by the Association:

**"THE INTERNATIONAL LAW ASSOCIATION,**

considering the highly important role international aviation can play in a balanced growth of world economy resulting in raising living standards all over the world, considering that through the increase of general prosperity the chances of peace are being furthered, recommends:

- I. That States which have not as yet signed the International Air Services Transit Agreement do so without undue delay.
- II. That in question regarding the granting of commercial landing rights to foreign operators the States let themselves be guided by the basic principle that the social and economic needs of the individual are served by having at his disposal the most extensive international air communications possible;  
and that, therefore, apart from specific national interests there is a common interest in expanding those communications upon which greater emphasis than heretofore should be laid;  
Furthermore, that in granting such landing rights the principle of non-discrimination which is at the basis of the Chicago Convention should be strictly adhered to."
- III. That the Air Law Committee continues the study of the nature and contents of air sovereignty paying special attention to the problems connected with coming flight in the outer space and the legal nature of interplanetary space.

During the discussion that preceded adoption of the resolution, the ICAO Representative urged full support of the views expressed in Part I and, on Part II indicated that the most appropriate action would be for the governments and the experts concerned to continue their efforts toward obtaining as much general agreement as possible amongst States on the economic aspects of the question which presented many complexities.

The exchange of views that had taken place during the ICAO Assembly in Caracas on the problems of "outer space" was also drawn to the attention of the meeting.

## **V. INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW**

### **CONFERENCE OF SPECIALIZED ORGANIZATIONS CONCERNED WITH THE UNIFICATION OF LAWS**

The purpose of the meeting which was held in Barceloma, September 17-20, 1956, was to consider the methods employed by various organizations concerned with the unification of law. Though no specific decisions were taken as a result of the discussions — these being rather in the nature of an interchange of views between those represented at this preliminary meeting — certain conclusions were reached in principle regarding the procedure to be followed, as for instance, on the need to have control *in loco*

with the corresponding branches and lawyers of other countries, sending of questionnaires, and co-ordinated research by the staff of the international organizations.

It was considered also that though the methods of unification might vary in each case, there are, however, certain problems within the different fields of law that, as regards unification, present a common character. Several delegates stressed the need that the international organizations concerned meet from time to time in order to take advantage of their experience, to interchange their programs on this subject and to study the more urgent questions of common interest. A resolution incorporating these views was adopted by the meeting.

## VI. COMMITTEE ON EXPERTS ON THE TRANSPORT OF DANGEROUS GOODS OF THE UNITED NATIONS

The second meeting of the above Committee was held in Geneva between August 16-September 12, 1956.

The Committee's original report was finalised in the form of revised recommendations, and it took into account the comments made by governments and other organizations. The report makes recommendations on classifications, definitions, and listing of dangerous goods, labeling and shipping papers and the arrangements recommended for keeping these up-to-date. Packaging requirements, however, are not specified.

The Committee recommended the formation of a permanent small governmental central body or committee in the United Nations to be responsible for the following:

- a. To keep up-to-date and complete the list of dangerous goods;
- b. To prepare a system of code numbers for such goods, and to allot the code numbers;
- c. To pursue the task of standardizing regulations governing packaging and performance tests (and drawing the appropriate conclusions as regards labeling); and
- d. To study any other related matters.

The final report will be addressed by the United States Nations Transport Commission to governments and international organizations as recommendations only. The appropriate preamble reads:

"They do not constitute new regulations which it is proposed to substitute for national and international regulations governing the various means of transport. They simply represent a framework broad and flexible enough to allow those regulations to be easily fitted into it and so develop, while complying with the special requirements they have to meet. The adoption of this framework should make it possible to achieve a minimum of uniformity at the world level for the various means of transport. That uniformity may—and it is desirable that it should—grow and expand when the administrations and organizations responsible for the regulations have been able to exchange experience on this common basis."