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INTERNATIONAL

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INTERNATIONAL CIVIL AVIATION ORGANIZATION (ICAO)

THE COUNCIL

WHEN the ICAO Council convened for its eleventh session on June 22, 1950 it had five new members—Denmark, Italy, the Philippines, Venezuela and the Union of South Africa. These new members along with Argentina, Australia, Belgium, Brazil, Canada, Egypt, France, India, Iraq, Ireland, Mexico, The Netherlands, Portugal, the United Kingdom and the United States, which had been reelected at the June 1950 session of the Assembly, will occupy seats on the Council for the next three-year period. The Council proceeded to reelect Dr. Edward Warner as its President for the new term, thus continuing him in the post which he has held since the Provisional International Civil Aviation Organization (PICAO) was established in 1945.

One of the first steps taken by the new group of Council members was the approval of a course of action for interpreting three closely related articles of the Chicago Convention. Article 33 calls for recognition by all contracting States of each other's certificates of airworthiness and personnel licenses provided the requirements under which they are issued satisfy minimum ICAO standards. Articles 41 and 42 exempt aircraft and personnel certified or licensed in periods before or immediately following adoption of ICAO standards from the requirement of conforming with these standards. The Council agreed that any interpretations of the Convention should be made in the light of the needs of civil aviation and approved the following procedure:

- “(1) that the Council decide on the basis of documentation to be prepared by the Secretariat what the Articles should mean in the light of knowledge and experience of the problems covered;
- (2) that the Council check its conclusions as to what the Articles should mean with the Articles as they are in order to determine the extent to which the Articles fail to achieve their desired purposes and whether their wording will permit the desired interpretation;
- (3) that the Council's conclusion on (1) and (2) above be communicated to the Contracting States for their comments; and
- (4) that, in the light of the States' replies, a Council Resolution be prepared embodying a recommendation to States that they accept either
 - (a) the Council's interpretations of the Articles, if the wording is found to permit satisfactory interpretations; or
 - (b) if satisfactory interpretation is not possible, the Council's conclusions as to what the Articles should mean until such time as the Articles can be amended.”

Replies from ICAO member States to a letter dispatched by the Secretary General in December 1949 had contained only a few requests for aviation assistance of the type which ICAO might offer under the United Nations Expanded Technical Assistance Program. Therefore, the Council directed the Secretary General to send another letter to contracting States drawing their attention to Assembly Resolution A4-20, which endorsed ICAO's cooperation in the UN program, and asking them to reply by October 1, 1950

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concerning technical assistance which they would need from the Organization or technicians and training facilities they would be prepared to furnish so that ICAO could carry out its program. The fifty-four States which had met at the United Nations Technical Assistance Conference June 12-14, 1950 had pledged approximately \$20,000,000 to carry out the technical assistance program of the United Nations and its specialized agencies through December 31, 1951. ICAO will receive approximately \$170,000 as its share of this amount.

Another important letter approved for dispatch to contracting States was that announcing that the Council would proceed on or after November 1, 1950 to appoint a successor to Dr. Albert Roper, Secretary General of the Organization. Dr. Roper, who has been Secretary General of ICAO and PICAQ since 1945 and who was Secretary General of the prewar International Commission for Air Navigation (CINA), will retire early in 1951.

The first part of the eleventh session of the Council ended on June 29, 1950. During the summer recess the ICAO Secretary General inquired of the United Nations Secretary General whether there was anything ICAO might do to assist the United Nations in suppressing aggression in Korea, particularly in view of Article 64 of the Chicago Convention, which provides that:

"The Organization may, with respect to air matters within its competence directly affecting world security, by vote of the Assembly enter into appropriate arrangements with any general organization set up by the nations of the world to preserve peace."

and Article VII of the basic agreement between the UN and ICAO, which provides that:

"The International Civil Aviation Organization agrees to cooperate with the Economic and Social Council in furnishing such information and rendering such assistance to the Security Council as that Council may request, including assistance in carrying out decisions of the Security Council for the maintenance or restoration of international peace and security."

A negative reply was received from the UN since what was needed in the Korean situation was either immediate military assistance or aid in rehabilitating civilian refugees, a job in which two other specialized agencies of the United Nations—the International Refugee Organization and the World Health Organization are cooperating with the Unified Command.

When the Council reconvened on September 27, it elected the following officers:

First Vice President—Rear Admiral Paul A. Smith (U.S.A.)
Second Vice President—Colonel Humberto Delgado (Portugal)
Third Vice President—Dr. F. Duarte de Oliveira (Brazil)

All eight candidates for the Air Navigation Commission—Argentina, Brazil, Canada, France, The Netherlands, Norway, the United Kingdom, and the United States—were unanimously elected by the Council, and Dr. Walter Binaghi was unanimously reelected as chairman. Twelve of the fifteen nominees were elected to the Air Transport Committee. The States elected were Argentina, Australia, Canada, Denmark, France, India, Iraq, Mexico, The Netherlands, Portugal, the United Kingdom and the United States. Dr. Copes van Hasselt of The Netherlands was unanimously elected chairman of the Committee. Nine Council member States were selected to serve on the Joint Support and Finance Committees. Mr. Henri Bouche, the Council Representative from France, was chosen as chairman of the Joint Support Committee. The Finance Committee selected Brigadier C. S. Booth of Canada as its chairman.

Early in its fall 1950 session, the ICAO Council decided to accept the offer of Switzerland, one of the States operating international air services across the North Atlantic which has not yet acceded to the arrangements and agreements concerning the North Atlantic air safety services,¹ to contribute 200,000 Swiss francs as its share of the costs of these arrangements for the calendar year 1950. Switzerland had also stated that it would be glad to receive the Council's suggestions regarding its contributions to these services for 1951. In accepting Switzerland's proposal, the Council pointed out that it would be highly desirable for that Government to become a party to the North Atlantic safety service agreements at the earliest possible date in order that all user nations might share the costs on an equal basis.

The Council also decided to grant the request of the Allied High Commission for Germany that its Civil Aviation Board be given observer status at ICAO meetings concerning the European-Mediterranean region and special technical meetings affecting civil aviation in Germany. Although Germany and Japan participate in the activities of other specialized agencies of the United Nations, this is the first arrangement made for participation of one of them in ICAO. In this case, of course, it is the Allied High Commission and not the German Government which will be represented at certain ICAO meetings.

AIR NAVIGATION MATTERS

The 11th Annex to the Chicago Convention, Air Traffic Services, became effective on October 1, 1950. This annex contains standards and recommended practices for air traffic control, flight information service and alerting service. It constitutes the basic framework for obtaining worldwide uniformity in air traffic services. Contracting States must notify the Council by December 1, 1950 of their disapproval of any part of Annex 12, Standards and Recommended Practices for Search and Rescue. All parts of this annex which are not disapproved by a majority of contracting States will become effective on December 1.²

At the suggestion of the Air Navigation Bureau, the Supplementary Procedures for Air Navigation Services, covering regional variations from ICAO procedures, have been consolidated into a single publication. By bringing together similar material contained in the separate publications covering each of the 10 air navigation regions, the ICAO Secretariat has been able to produce a handier and less expensive volume.

With the approval by the Council of the draft frequency assignment plans prepared by the Secretariat for the Pacific and North Atlantic regions and the approval by the President of the Council, under delegated authority, of the recommendations of the European-Mediterranean Frequency Assignment Planning Meeting,³ ICAO's work on preparation of draft frequency assignment plans for the international aeronautical mobile route services was completed. These plans will be submitted to the International Telecommunication Union's Extraordinary Administrative Radio Conference, which was postponed but is now scheduled to be held in the summer of 1951.

On the recommendation of the Air Navigation Commission, the Council approved the final report of the Third Session of the Meteorological Divi-

¹ Vik Loran services in Iceland, other air navigation services in Iceland, air navigation services in Greenland and the Faroes and North Atlantic ocean weather stations.

² Amendments Nos. 1-123 of Annex 1 on Personnel Licensing became effective on September 1, 1950, and amendments No. 124-128 are scheduled to come into effect on November 1, 1950. Amendments Nos. 1-63 of Annex 8 on Airworthiness of Aircraft will become effective on January 1, 1951.

³ Held in Paris, France, June 6-26, 1950.

sion ⁴ and the dates, sites and agenda for the following additional technical conferences to handle regional, standardization and other technical problems:

Second Middle East Regional Air Navigation Meeting	Istanbul—October 17, 1950
Special meteorological meetings for the African-Indian Ocean, European-Mediterranean and North Atlantic Regions	Paris—November 8, 15, and 22, 1950
Rules of the Air and Air Traffic Control Division, 4th Session	Montreal—November 14, 1950

The fourth sessions of the Airworthiness and Operations Divisions, which are scheduled to be convened in Montreal early in 1951, will have before them for consideration recommendations concerning climb performance standards made by the Special Airworthiness/Operations Meeting held in Paris in September 1950.

A working group of the Air Navigation Commission has been appointed to study the problem of correcting the most serious deficiencies in air navigation facilities and services throughout the world. The Secretariat's detailed studies of air navigation facilities and services by regions have revealed that many facilities and services essential to international air navigation are still lacking. Another working group has been established to study the problems of consolidating certain of the ten ICAO air navigation regions.

LEGAL AND OTHER MATTERS

Mexico had deposited its instrument of ratification to the Convention on International Recognition of Rights in Aircraft on April 5, 1950 but had made the following reservations:

"The Mexican Government expressly reserves the rights belonging to it to recognize the priorities granted by Mexican laws to fiscal claims and claims arising out of work contracts over any other claims. Therefore, the priorities referred to in the Convention on the International Recognition of Rights in Aircraft, signed at Geneva, shall be subject, within the national territory, to the priorities accorded by Mexican laws to fiscal claims and claims arising out of work contracts."

Since the United States had previously deposited its instrument of ratification, the Convention would have entered into force as between the United States and Mexico on July 4, 1950, pursuant to Article XX of the Convention. However, the United States notified ICAO that it considered the reservation attached by Mexico to its ratification to be in the nature of an amendment which would vitiate the provisions of the Convention and that for this reason it was unable to accept the reservation of Mexico.

The fourth ICAO trainee program began on September 18, 1950. Officials of Burma, Indonesia,⁵ Iran,⁶ Italy, Lebanon and Pakistan will spend three months at ICAO headquarters in Montreal in the various parts of the Secretariat so that when they return home they will be of greater assistance to their governments in carrying out the work of ICAO.

Additional ICAO Statistical Summaries are now obtainable from the Secretary General at Montreal. Statistical Summary No. 8 and its addendum

⁴ Held in Paris, France, February 14-March 25, 1950.

⁵ Indonesia adhered to the Chicago Convention on April 27, 1950, becoming a member of ICAO on May 27, 1950.

⁶ Iran ratified the Chicago Convention on April 19, 1950, becoming a member of ICAO on May 19, 1950.

sheets issued monthly since January 1950⁷ are divided into two parts. The first part gives total figures (by months and by years) for both domestic and international airline operations of each country. The second part gives statistics on the operations of individual international airlines. ICAO Statistical Summary No. 9⁸ contains financial data and statistical analyses covering the financial year 1948 of 35 airlines registered in eighteen different States. It represents an improvement over Statistical Summary No. 6,⁹ which contains financial statistics for the financial year 1947, in that the airlines of more States are represented and in that some idea of the way in which international airlines' finances are changing is given by a comparison of 1947 and 1948 operating expenses and revenues. ICAO Statistical Summary No. 11,¹⁰ Fleet-Personnel 1948, is the second of its type issued by ICAO and contains data on aircraft fleets and personnel of 35 international airlines registered in 17 different States.

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⁷ ICAO Doc. 6958-AT/699, January 1950. The monthly addenda contain additional data received by ICAO the previous month.

⁸ ICAO Doc. 6996-AT/701, July 1950.

⁹ ICAO Doc. 6915-AT/697, October 1949.

¹⁰ ICAO Doc. 7027-AT/704, August 1950.