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# ICAO AND OTHER AGENCIES DEALING WITH AIR REGULATION

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## THE ICAO ANNEXES

**T**HE International Civil Aviation Organization, established at the Chicago Conference (1 November - 7 December 1944), came into existence as a provisional organization on 6 June 1945, and as a permanent organization on 4 April 1947. The permanent Organization has among other responsibilities that which is defined in Article 37 (second paragraph) of the Convention on International Civil Aviation, which reads as follows:

“The Organization shall adopt and amend from time to time, as may be necessary, international standards and recommended practices and procedures dealing with:

- (a) Communications systems and air navigation aids, including ground markings;
- (b) Characteristics of airports and landing areas;
- (c) Rules of the air and air traffic control practices;
- (d) Licensing of operating and mechanical personnel;
- (e) Airworthiness of aircraft;
- (f) Registration and identification of aircraft;
- (g) Collection and exchange of meteorological information;
- (h) Log books;
- (i) Aeronautical maps and charts;
- (j) Customs and immigration procedures;
- (k) Aircraft in distress and investigation of accidents; and such other matters concerned with the safety, regularity, and efficiency of air navigation as may from time to time appear appropriate.”

The texts so adopted or amended constitute international air regulations and are designed to assist the Contracting States in fulfilling their undertaking under Article 37 “to collaborate in securing the highest practical degree of uniformity in regulations, standards, procedures and organization in relation to aircraft, personnel, airways and auxiliary services in all matters in which such uniformity will facilitate and improve air navigation.” The procedure for adoption of such regulations, designated for convenience as “Annexes to the Convention,” is fixed by Article 54 (1) and (m) and by Article 90 of the Convention. The procedure has been very often described and it is not necessary to describe it further here.

Up to the present 14 Annexes have been adopted; and Annex 14 on Aerodromes, adopted on 29 May 1951, completes the list of annexes foreseen at the time of the Chicago Conference. One or two more, not anticipated at Chicago, now appear as possible additions, and some of the old Annexes include as yet only a small part of the material that will ultimately be needed under their titles.<sup>1</sup>

Since the adoption of the first group of Annexes in 1948, almost all the Annexes have been revised or completed in order to adapt their provisions to the continuous development of techniques. It is not surprising that no less than 17 sets of amendments have been adopted since that time; certain Annexes have been modified by more than 100 detailed amendments; to another (Annex 2), although only one amendment has been made, it is a complete redraft of the Annex.<sup>2</sup>

#### *National Implementation of ICAO Annexes*

The provisions contained in the Annexes are to be implemented by the Contracting States to the extent prescribed in the various Articles of Part I (Air Navigation) of the Chicago Convention. The Council, in adopting each Annex or amendment thereof, urges the Contracting States "in complying with ICAO standards which are of a regulatory character, to introduce the text of such standards into their national regulations, as nearly as possible, in the wording and arrangement employed by ICAO." This pressing request, made for the first time in a resolution of 13 April 1948, is intended — as is explained in the preamble of the Resolution — "to free those engaged in international air navigation to the greatest possible extent from the necessity of detailed examination of national laws and regulations upon crossing international boundaries, and because many of the benefits of international standardization of practices and of regulatory requirements may be lost through diversity of form and arrangement in the publications through which they are promulgated in the various States."

However, Article 38 of the Convention recognizes the fact that any State may "find it impracticable to comply in all respects with any such international standard or procedure, or to bring its own regulations or practices into full accord with any international standard or procedure after amendment of the latter, or may deem it necessary to adopt regulations or practices differing in a particular respect from those established by the international standard"; and it is provided that in such cases that State "shall give immediate notification to the International Civil Aviation Organization of the differences between its own practice and that established by the international standard."

The Council, desirous of limiting as far as possible the number and the extent of such differences, recommends in the abovementioned resolution of 13 April 1948, that "where a Contracting State finds it

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<sup>1</sup> Report of the Council to the Sixth Session of the Assembly, page 21.

<sup>2</sup> A table of all Annexes and Amendments thereof appears as an Appendix.

necessary to depart from the ICAO text, it limit such departure to an absolute minimum"; and that "in any regulations or other publications based upon ICAO standards or recommendations, Contracting States indicate conspicuously their relationship to the ICAO text and the extent of substantive effect of any differences between the national text and its ICAO prototype."

#### *Legal Status of ICAO Annexes*

The volumes of Annexes published by ICAO contain, in their latest format, various categories of material, which do not have the same legal status.

1. The text of the Annex itself, as adopted by Council, contains three categories of provisions:

(a) and (b) — *International Standards and Recommended Practices* which, pursuant to the definitions promulgated by the Council, are both: "specifications for physical characteristic, configuration, material, performance or procedure." But the uniform application of these is recognized in different ways, thus: — in the case of international standards — "as necessary for the safety or regularity of international air navigation," and — in the case of recommended practices — "as desirable in the interest of safety, regularity or efficiency of international air navigation." Contracting States "will conform" to international standards and "will endeavor to conform" to recommended practices. In the event of impossibility of compliance with an international standard, notification to the Council is compulsory under Article 38; no such obligation exists for non-compliance with a recommended practice, but the notification of departure from recommended practices is, however, recommended by Council when the knowledge of such departures is important for the safety of air navigation.

(c) *Notes* which do not alter the meaning of the Standards and Recommended Practices and are included wherever it is necessary to clarify an intention, to stress a particular point or to indicate that a particular question is under study.

2. To that text are added *Attachments*, printed on green sheets, which are recommendations of Council which "do not form part of the Annex, are included for guidance and clarification purposes, and are not to be considered as standards or recommended practices."
3. Under a red cover is a *Supplement* entitled "Differences between the national regulations and practices of States and the corresponding standards contained in the Annex . . . as notified to ICAO in accordance with Article 38 of the Convention."<sup>3</sup>

In addition, there is at the beginning of each volume, a short foreword giving the historical background of the preparation of the Annex

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<sup>3</sup> In spite of the title, certain supplements contain also "differences on attachments"; notification of such differences have however never been requested by Council, and such list will probably be incomplete.

concerned, and, at the end of the volume, an historical note on the development of Annexes in general.

Annexes are not the only form of international regulation promulgated by ICAO. Annexes are complemented by Procedures for Air Navigation Services" (PANS), "Regional Supplementary Procedures" (SUPPS) and "Specifications."<sup>4</sup>

The legal status of these various complementary regulations is different from the status of Annexes and they are not issued pursuant to Article 37 of the Convention. They are not "adopted" by Council as is provided in Article 54(1) of the said Convention, but only "approved" by Council. The foreword of certain procedures specifies that they are issued "as a general guide to be applied to the fullest practicable extent" and that "the use of the term 'shall' in the text does not mean that the provisions concerned are intended to be mandatory."<sup>5</sup> Contracting States are not obliged to notify differences between their national regulations and practices and any corresponding procedures contained in the abovementioned regulations, but, however, the Council has invited States to advise of the existence of such differences when the knowledge thereof is important for the safety of air navigation.

It should be noted that certain "Procedures" issued as such are in fact extracts of Annexes and should have the legal status of the Annex concerned.<sup>6</sup>

#### OTHER INTERNATIONAL REGULATIONS APPLICABLE TO AVIATION

In preparing Annexes, Procedures and Specifications, ICAO has encountered activities of specialized agencies which have a general responsibility in a particular matter, as ICAO has in matters of international civil aviation, and which also have authority for adopting and promulgating international regulations which may be applicable to aviation. In order to prevent duplication or overlapping of activities,

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<sup>4</sup> The following "Procedures" have been issued and are in force or will be in force in the near future:

Aerodromes, Air Routes and Ground Aids, Doc. 4810-AGA/559 in force 1 Apr. 1949

Communications Procedures, Doc. 4478-COM/501/1 in force 1 Apr. 1952  
Communications Codes and Abbreviations, Doc. 6100-COM/504/1 in force 1 Apr. 1952

Radiotelephony Procedures, Doc. 7181-COM/546 effective 1 Nov. 1951

Abbreviations of Place Names, Doc. 6919-COM/532, issued in January 1950

Abbreviations of Aeronautical Authorities, Services and Aircraft Operating Agencies, Doc. 6938-COM/534 effective 1 May 1951

Aeronautical Information Services, Doc. 7106-AIS/501 effective 1 Aug. 1951  
Rules of the Air and Air Traffic Serv. Doc. 4444-RAC/501/1 in force 1 Sept. 1952

Instrument Approach-to-land, Doc. 7087-OPS/585 effective in March 1951

The specifications for meteorological services for international air navigation services, Doc. 7144-MET/521, are in force since 15 Oct. 1952. The regional supplementary procedures, Doc. 7030, were effective 15 Apr. 1951.

<sup>5</sup> Foreword of Procedures on Instrument Approach-to-land (decision of Council of 27 Feb. 1951).

<sup>6</sup> Communications Procedures (Doc. 4478-COM/501/1) are extracted from Annex 10, and are reproduced in a separate volume "for convenience of those engaged in communications operations in the field."

with possible discrepancies between regulations issued on the same subject, the closest cooperation and coordination are necessary. This necessity has been fully recognized by ICAO, and relations have been developed with other specialized agencies.

#### RELATIONS OF ICAO WITH THE WORLD METEOROLOGICAL ORGANIZATION

Aviation and meteorology are very closely related. The choice of the route to be flown and its eventual modifications are greatly determined by the meteorological information received either before take-off or in flight; the safety of flights depends largely on the accuracy and the quick transmission of information based on observations and forecasts made, not only by meteorological services specialized in aeronautics, but also by the general meteorological services existing in every country. All these general services have been cooperating since 1878 — many years before any aircraft had flown — under the leadership of an International Meteorological Organization (IMO) composed of the Directors of the services.<sup>7</sup>

Between the ICAN and the IMO close relations were established since the early days of the ICAN. When a special International Commission on Aeronautical Meteorology (CIMAé) was created by the IMO in September 1935, the Chairman of the Sub-Committee "Meteorology" of the ICAN and the Secretary General of ICAN were invited to participate *ex officio* in the meetings of the Commission.

The establishment of relations between the PICAO and the IMO was recommended by the first Division "MET" (October 1946) at which were represented only nine Contracting States; and, on 20 February 1946, the Interim Council invited the IMO to send observers to all meetings involving meteorological problems. A few days later, the PICAO was represented at an Extraordinary Conference of Directors held in London. The need for increased collaboration between the IMO and the ICAO was stressed at almost all the meetings, either of the CIMAé or of the International Meteorological Committee or the Conferences of Directors. An exchange of letters, in October-November 1946, is still the basis of the relations between the two Organizations, but it has been considered desirable in the interests of efficiency and simplicity, and to avoid possible confusion, that the respective responsibilities of the WMO and the ICAO in the field of aeronautics be more clearly defined. Nevertheless, the results of the cooperation between the two Organizations are very satisfactory.

In July 1946 new meteorological codes and code specifications for universal use and for transmission of meteorological information to

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<sup>7</sup> In 1948 101 Directors of International Meteorological Services were taking part in the work of the IMO; about 10,000 observation stations were making observations all over the world at fixed and regular hours, pursuant to uniform methods. (Opening speech at the first World Meteorological Congress held in Paris in March 1951.)

aircraft in flight were adopted by the International Meteorology Committee, with the recommendation that they be introduced not earlier than 1 March 1947 and not later than 1 January 1948. The Division "MET," at its Second Session (October-November 1946) recommended the simultaneous introduction of the new codes over as large an area as possible in order to prevent the adverse effect of the simultaneous use in adjacent areas of different meteorological codes. Agreement was reached on fixing a uniform date for the coming into force of the Codes.

The Conference of Directors of Meteorological Services held in Washington in September-October 1947, which adopted the constitution of the World Meteorological Organization, was preceded by a meeting of the CIMAé and a special session of the Division "MET." The Meteorological Codes were completely revised and the provisional Codes incorporated by the ICAO in its Recommendations for Standards, Procedures and Practices were replaced by the Universal Code, as requested by the IMO. A few days later the Conference of Directors decided that the new revised Code for the transmission of meteorological surface reports and Codes for reports from and to aircraft and ships for technical information and forecasts be enforced on 1 January 1949. The Washington Conference, considering that the IMO General Regulations for the Provision of Meteorological Services for International Aeronautics should be uniform with the ICAO International Standards and Practices in Meteorology, adopted the ICAO recommendations with very slight modification.

After a joint session held in Paris in February-March 1950 by the CIMAé and the Division "MET" the International Procedures for Aeronautical Meteorology were revised, and after certain amendments and additions made in agreement between the IMO and the ICAO, a common text of "Specifications for Meteorological Services for International Air Navigation" was presented to the Extraordinary Conference of Directors of the IMO held in Paris in March 1951, which decided that "the IMO General Regulations for the Provision of Meteorological Services for International Aeronautics" be replaced by the Specifications. Immediately after, the World Meteorology Congress, which held its inaugural session, decided to assume responsibility for the promulgation of these Specifications as Specifications of the WMO.

Documents (Codes and Specifications) promulgated by the two Organizations are quite identical, but their legal status is different.

The provisions of Annex 3 (Meteorological Codes) are almost all "Standards" and certain of them prescribe the use of "international codes adopted and placed into force for that purpose by the WMO" (see Standards 1.1 and 1.3). The "Specifications" promulgated by the ICAO are assimilated to "Procedures for Air Navigation." The Codes and Specifications promulgated by the WMO are "technical Regula-

tions covering meteorological practices and procedures"<sup>8</sup> adopted by the Congress pursuant to Article 7 (d) ; this status is confirmed by the foreword of the WMO edition of the Specifications which reads as follows: "In the interest of civil aviation it is urged that all members should adhere to these procedures without deviation, but, in the event that a member is unable to implement any provision of the Specifications Article 8 (b) of the Convention of the World Meteorological Organization will apply." Pursuant to that Article 8 (b), in case any member finds it impracticable to give effect to some requirement in a technical resolution adopted by the Congress, "such member shall inform the Secretary General of the Organization whether its inability to give effect to it is provisional or final, and state its reasons therefor."

#### RELATIONS WITH THE INTERNATIONAL TELECOMMUNICATIONS UNION

The safety of air navigation depends on the efficiency and regularity of communications between aircraft and the ground, and also between aircraft in flight. Aircraft should be in constant communication with the ground installations in charge of assisting them in their navigation. In case of difficulties or distress, they should be able to alert immediately the services in charge of search and rescue. They should have on board the material and personnel necessary to ensure appropriate communications, and the personnel should have at its disposal codes for rapid transmission. Operational messages are also important. A certain number of wave lengths should be reserved to the exclusive use of communications concerning aviation.

During the existence of the ICAN, relations between the Commission and the ITU were very intimate; the ICAN was represented at the successive Telecommunication Conferences of Washington, Madrid and Cairo. After the second world war, due to the great development of civil aviation, the invention of new types of radio aids, the use of new frequencies, and many special problems, an even closer collaboration between aviation and telecommunication appeared desirable. At the same time, a new allotment of frequencies between the broadcasting services and maritime and aeronautical services, and the expansion of the ITU structure became necessary.

For these purposes it was decided in Moscow (October 1946) to convene international conferences. A Plenipotentiary Conference was called at Atlantic City on 15 May 1947 for the drafting of a new telecommunications convention, concurrently with an Administrative Radio Conference which had to revise the radio regulations. Another conference was held in 1949 for the revision of the telegraph and telephone regulations.

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<sup>8</sup> According to Resolution 15(1) adopted by the first session of the WMO Congress in April 1951, the following definition has been suggested for the Regulations: "The technical regulations of the WMO are those decisions relating to meteorological practices and procedures which are obligatory upon all members." The Specifications have been published by the WMO as "Technical Regulation No. VII/1"; and the Codes constitute "Publication No. 9 of the WMO."

The ICAO participated actively in the preparation of the Atlantic City Conference, and was represented at that Conference by an observer who was able to promote unofficial meetings of experts in order to exchange views and to coordinate action with respect to aeronautical needs. After the Conference, the ICAO took a large part in the allotment of frequencies necessary for aeronautics, and in their attribution to particular stations.

The ITU, which was not represented at the first session of the Division "COM" (October-November 1945), was invited to the first PICAQ Regional Conference in Dublin (March 1946) and, thereafter, to any ICAO meetings at which telecommunication problems were discussed.

The Administrative Radio Conference of Atlantic City made a complete revision of codes and general radio regulations, of radio procedures and of methods for the obtaining of licenses. Such revision was largely in agreement with recommendations for Standards, Procedures and Recommended Practices already prepared by the ICAO. As the coming into force of the General Radio Regulations was fixed by the Conference as 1 January 1949, the ICAO endeavored to revise its own texts in order to put them in harmony with the ITU Regulations<sup>9</sup> and to provide for their coming into force at the same date.

Annex 10 (Aeronautical Telecommunication) was not adopted before 30 May 1949 and came into force on 1 April 1950.

A great part of the material which constitutes that Annex is the reproduction of ITU Regulations, in particular Part III (Procedures) and Part IV (Codes and Abbreviations). In the Introduction to Part III, it is said "where appropriate, specific ITU Radio Regulations have been paraphrased in this document. Users of these procedures should note that the Radio Regulation Annex of the International Telecommunication Convention (Atlantic City 1947) is all-embracing in character, and, therefore, should be applied in all pertinent cases." In Part IV, Introduction of Chapter 2 which deals with the "Q" Code, it is pointed out that, in the first section of the "Q" Code, the meanings of the aeronautical code signals were assigned by the ICAO, and that, in the general section, the meanings were assigned by the ITU at Atlantic City, 1947; and that the Maritime "Q" Code was not reproduced, "since it is intended for use only between stations of the Maritime Service." In the introduction of the general section, it is also noted that the meanings assigned by ITU were reproduced in their original form, with, however, certain aeronautical notes added "to clarify the ITU terminology and intent when viewed from the point of view of those engaged in aviation."

There is a difference of legal status between the ITU Radio Regulations and the Standards and Recommended Practices contained in Annex 10. Although almost all of the provisions of Annex 10 have the

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<sup>9</sup> The ITU Radio Regulations constitute a complement to the provisions of the Atlantic City Telecommunication Convention (2 October 1947), as it is mentioned in Article 13 of the said Convention.

status of Standards, they do not have the absolute mandatory character of the Provisions of the Radio Regulations. In Article 13 (3) of the Atlantic City Convention it is specified that "the Regulations shall be binding on all members and associate members," and, by Article 20 "the members and associate members are bound to abide by the provisions of this Convention and the Regulations annexed thereto in all telecommunication offices and stations established or operated by them which engage in international services or which are capable of causing harmful interference to radio services of other countries . . ."; "they are also bound, in addition, to take the necessary steps to impose the observance of the provisions of this Convention and of the Regulations annexed thereto upon recognized private operating agencies and upon other agencies authorized to establish and operate telecommunication which engage in international services, or which operate stations capable of causing harmful interference to the radio services of other countries.

#### RELATIONS WITH AGENCIES INTERESTED IN THE SAFETY OF LIFE AT SEA

Many aircraft (airplanes or seaplanes) are flying every day over the sea; seaplanes may take off from, maneuver and land on the water; aircraft may fall in distress on the water. Collisions either with vessels or other aircraft on the water should be prevented; lights displayed by aircraft on the water should be easily recognized, and distress signals should be understandable.

At the time of the coming into existence of the ICAO, international regulations for preventing collisions at sea, annexed to the Convention for the safety of life at sea, signed at London in 1929, were in force. Early after the war it became apparent that the Convention and the Regulations should be revised, and on 10 July 1947 an invitation to the ICAO, the IMO, the ITU and the Provisional Maritime Conservative Council was extended by the Government of the United Kingdom to participate on an Experts' Committee in order to consider the coordination of the activities of these Organizations in the fields of aviation, shipping and telecommunications in regard to safety at and over the sea.

The Committee met in London from 27 January to 6 February 1949 and recommended means by which international coordination could be achieved or improved. The conclusions were considered by the United Nations Maritime Conference which adopted and opened for signature on 6 March 1948 a Convention erecting a new specialized agency, the Inter-Governmental Maritime Convention Organization (IMCO). These conclusions were also taken into account by the International Conference on Safety of Life at Sea, held in London from 23 April 1948 to 10 June 1948 with the participation of Representatives of the ICAO. The International Convention for the Safety of Life at Sea, 1948, was opened for signature, and the International Regulations

for preventing collisions at sea, 1946,<sup>10</sup> were approved by the Conference; these Regulations are not part of the Convention, as was the case under the Convention of 1929, and the determination of their coming into force was left to the decision of the Government of the United Kingdom when substantial unanimity has been reached on their acceptance by Governments.

Pursuant to Rule 1 (a) of these Regulations, "these Rules shall be followed by all vessels and seaplanes upon the high seas and in all waters connected therewith navigable by seagoing vessels, except as provided in Rule 30 (Exception of Rules for harbor and inland navigation, including reserved seaplane areas). Where, as a result of their special construction, it is not possible for seaplanes to comply fully with the provisions of Rules specifying the carrying of lights and shapes, these provisions shall be followed as closely as circumstances permit."

Reference to the Regulations has been made in the revised text of Annex 2 (Rules of the Air), which will come into force on 1 September 1952. Under the subsection dealing with "water operations," the international standard 3.2.7.3 provides that "In areas in which the International Regulations for Preventing Collisions at Sea are in force, aircraft on the water shall, in addition to those covered by 3.2.7.1 and 3.2.7.2, comply with such other of the Regulations as are pertinent." Appropriate excerpts from the Regulations are reproduced in an attachment to Annex 2, with the following indication: "The Regulations presently in force, which are part of the Convention on the Safety of Life at Sea, signed at London on 31 May 1929, are to be complied with in the meantime."

Pursuant to the provisions of Article 12 of the Chicago Convention, on 1 September 1952, the new standard 3.2.7.3 and the Regulations which will be in force at that time, shall apply without exception over the high seas.

With respect to the legal status of these texts, no difference seems to exist between the London Regulations and the new Standard of Annex 2.

Future Safety Regulations or amendments to existing Safety Regulations will be prepared by the new agency, the IMCO. The Assembly thereof is empowered to adopt such Regulations submitted to it by the "Maritime Safety Committee" which has a function to promote the coordination in the fields of shipping, aviation, telecommunication and meteorology as they relate to safety and rescue.

#### RELATIONS WITH THE WORLD HEALTH ORGANIZATION

By Article 14 of the Chicago Convention, Contracting States agree "to take effective measures to prevent the spread by means of air navigation of cholera, typhus, smallpox, yellow fever, plague and other communicable diseases . . ." and to that end to "keep in close consulta-

<sup>10</sup> The Convention and the Regulations are attached as Annexes A and B respectively to the Final Act of the Conference (Cmd 7492, Stationery Office, London).

tion with agencies concerned with international regulations relating to sanitary measures applicable to aircraft." Since 1929 such agencies (*Office international d'Hygiène publique*, established in Paris in 1907; League of Nations Health Organization) have considered that the development of air transport and the increasing speed of aircraft may have a direct effect on the rapid spread of contagious diseases and epidemics. A Sanitary Convention for Aerial Navigation was prepared by the Quarantine Commission of the *Office international d'Hygiène publique* with the assistance of the ICAN, was signed at The Hague on 12 April 1933, came into force on 1 August 1935, was amended in 1944 by a Conference held in Washington, and was prolonged in 1946. Finally, after the establishment of a World Health Organization by a Conference held in New York (June-July 1946), Regulations intended to replace the Sanitary Convention for Aerial Navigation and the other sanitary conventions were prepared by Committees of the Organization, and submitted for adoption to the World Health Assembly, at its Fourth Session, in accordance with the provisions of Article 21 of the Constitution of WHO. These International Sanitary Regulations were issued as WHO Regulations No. 2.

Representatives of the ICAO have participated at every stage in the preparation of these Regulations, as far as aviation was concerned. Although a draft arrangement was prepared at the end of the year 1947 in order to coordinate the activities of ICAO and WHO, the ICAO Council did not consider it necessary to enter into such formal arrangement and preferred, as was recommended by Resolution A1-10 of the First Session of the ICAO Assembly, to establish cooperation on a more flexible basis through a simple exchange of letters.

Prior to the adoption in 1951 of Regulations No. 2, provisions relating to sanitary matters were inserted in the ICAO Annex 9 (Facilitation of International Air Transport), which was adopted by the Council on 25 March 1949. Chapter 8 (Provisions with respect to air sanitary medical services and agricultural quarantine) contains a recommendation 8.1 which says: "Contracting States, whether or not they have ratified the International Sanitary Convention for Aerial Navigation (1933 and 1944), or the protocol thereto of 1946, should comply with the provisions of that Convention, its protocol, and any amendments thereto in the application of public health measures and sanitary control to international civil aviation."

In the same chapter, with respect to procedures, para. 8.5 recommends that "Contracting States should endeavor to apply the general regulations set forth in the International Sanitary Convention for Aerial Navigation, such revisions thereof as may be developed by the World Health Organization replacing the Convention, and the detailed facilitation procedures prescribed hereunder, in a uniform manner with the smallest number of modifications necessary to meet special requirements."

Although the terms of this last recommendation would have been

sufficient to be considered as applying to Regulations No. 2, which is to come into force on 1 October 1952, the Third Session of the Division on Facilitation (Buenos Aires, November-December 1951)<sup>11</sup> decided, after a careful study of the Regulations, to modify most of the provisions of Chapter 8 of Annex 9. The new texts are to be adopted by Council.

An ICAO recommended practice is a mere recommendation, and a WHO Regulation is mandatory unless rejection or a reservation has been duly communicated to the Director General of WHO within a certain period (Article 22 of the WHO Constitution). After expiration of that period, any rejection or reservation has no effect (Article 106 of Regulations No. 2). The treatment of reservations to these Regulations is described in Articles 107 and 108 thereof.<sup>12</sup>

The WHO Regulations have the same status as any international agreement and are registered with United Nations.

From this rapid review of the relations of the ICAO with certain Specialized Agencies it appears that some regulations promulgated at the same time, either in the same wording or by reference, have not necessarily an identical status.

Such difference of legal status might have serious consequences if the same text was implemented in a single State by different national departments. Fortunately, States members of various international agencies generally avoid diverging or conflicting measures of implementation.

Nevertheless, it would be highly desirable that greater efforts be made in the future to avoid the promulgation by two or more agencies of identical international regulations with different legal status.

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<sup>11</sup> The Report has been published as Doc. 7217-FAL/557.

<sup>12</sup> Articles 107 and 108:

*Article 107*.—1. If any State makes a reservation to these Regulations, such reservation shall not be valid unless it is accepted by the World Health Assembly, and these Regulations shall not enter into force with respect to that State until such reservation has been accepted by the Assembly or, if the Assembly objects to it on the ground that it substantially detracts from the character and purpose of these Regulations, until it has been withdrawn.

2. A rejection in part of these Regulations shall be considered as a reservation.

3. The World Health Assembly may, as a condition of its acceptance of a reservation, request the State making such reservation to undertake that it will continue to fulfill any obligation or obligations corresponding to the subject-matter of such reservation, which such State has previously accepted under the existing conventions and agreements listed in Article 105.

4. If a State makes a reservation which in the opinion of the World Health Assembly detracts to an insubstantial extent from an obligation or obligations previously accepted by that State under the existing conventions or agreements listed in Article 105, the Assembly may accept such reservation without requiring as a condition of its acceptance an undertaking of the kind referred to in paragraph 3 of this Article.

5. If the World Health Assembly objects to a reservation, and that reservation is not then withdrawn, these Regulations shall not enter into force with respect to the State which has made such a reservation. Any existing conventions and agreements listed in Article 105 to which such State is already a party consequently remain in force as far as such State is concerned.

*Article 108*: A rejection, or the whole or part of any reservation, may at any time be withdrawn by notifying the Director-General.

## Appendix—ANNEXES AND AMENDMENTS

## PREPARED BY

ANNEX 1	PEL Division, 2nd Session, January 1947
<i>Amendments 1-123</i>	PEL Division, 3rd Session, March 1948
<i>Amendments 124-129</i>	PEL Division, 3rd Session, March 1948
ANNEX 2	RAC Division, 2nd Session, 1947
<i>Amendment 1</i>	RAC Division, 4th Session Nov./Dec. 1950
ANNEX 3	MET Division, 2nd Session, Oct./Nov. 1946 and later the Special MET Session, September 1947
<i>Amendments 1-21</i>	To conform with WMO codes—no divisional action
<i>Amendments 22-37</i>	MET Division, 3rd Session, Feb./March 1950
ANNEX 4	MAP Division, 3rd Session, March 1947
<i>Amendment 1</i>	MAP Division, 4th Session, March/April 1948
<i>Amendments 2-22</i>	MAP Division, 4th Session, March/April 1948
<i>Amendments 23-28</i>	Not based on divisional action
ANNEX 5	Not based on divisional action
<i>Amendments 1-11</i>	Not based on divisional action
ANNEX 6	OPS Division, 1st Session, April 1946 and 2nd Session, February 1947
<i>Amendments 1-127</i>	OPS Division, 3rd Session, Feb. 1949
<i>Amendments 128-131</i>	OPS Division, 4th Session, March/April 1951
ANNEX 7	AIR Division, 1st Session, March 1946 and 2nd Session, February 1947
ANNEX 8	AIR Division, 1st Session, March 1946 and 2nd Session, February 1947
<i>Amendments 1-63</i>	AIR Division, 3rd Session, February 1949
<i>Amendments 64-83</i>	AIR Division, 4th Session, March/April 1951
ANNEX 9	FAL Division, 2nd Session, May 1948
ANNEX 10	Special Radio Technical Division, November 1946 and COM Division, 3rd Session, Jan. 1949
<i>Amendments 1-5</i>	COM Division, 3rd Session, January 1949
<i>Amendment 6</i>	COM Division, 4th Session, April/May 1951
ANNEX 11	RAC Division, 3rd Session, April/May 1948
<i>Amendments 1-6</i>	RAC Division, 4th Session, Nov./Dec. 1950
ANNEX 12	SAR Division, 2nd Session, Dec. 1946
<i>Amendment 1</i>	SAR Division, 3rd Session, Sept. 1951
ANNEX 13	AIG Division, 1st Session, February 1946 and 2nd Session, February 1947
ANNEX 14	AGA Division, 2nd Session, 1946 developed as SARPS at 3rd Session, Sept. 1947
	Additional recs. at 4th Session, November 1949

## TO THE CHICAGO CONVENTION

ADOPTED BY COUNCIL		EFFECTIVE DATE		DATE OF COMING INTO FORCE	
14/4	1948	15/9	1948	1/5	1949
				In certain cases 14/4 1953	
22/3	1950	1/9	1950	1/10	1951
				In certain cases 1/4 1955	
27/6	1950	1/11	1950	1/10	1951
15/4	1948	15/9	1948	1/1	1949
27/11	1951	1/4	1952	1/9	1952
16/4	1948	15/9	1948	1/1	1949
17/9	1948	1/1	1949	1/1	1949
28/5	1951	1/10	1951	1/1	1952
16/4	1948	1/11	1948	1/3	1949
6/12	1948	15/3	1949	15/3	1949
15/11	1949	1/6	1950	1/9	1950
25/6	1951	1/11	1951	1/1	1952
16/4	1948	15/9	1948	1/1	1949
11/12	1951	1/5	1952	1/9	1952
10/12	1948	15/7	1949	1/1	1950
5/12	1950	1/6	1951	1/10	1951
4/12	1951	1/5	1952	1/9	1952
8/2	1949	1/7	1949	1/10 1949 with respect to aircraft being registered for the first time and on 1/1 1951 with respect to all other aircraft	
1/3	1949	1/9	1949	1/10	1949
26/6	1950	1/1	1951	1/2	1951
13/11	1951	15/4	1952	15/5 1952 except for No. 66 for which the date will be fixed subsequently	
25/3	1949	1/9	1949	1/3	1950
30/5	1949	1/3	1950	1/4	1950
28/3	1951	1/10	1951	1/1 1952 for Nos. 1-3 1/4 1952 for Nos. 4-5	
1/4	1952	4/7	1952	1/9	1952
18/5	1950	1/10	1950	1/6	1951
27/11	1951	1/4	1952	1/9	1952
25/5	1950	1/12	1950	1/3	1951
31/3	1952	1/9	1952	1/1	1953
11/4	1951	1/9	1951	1/12	1951
29/5	1951	1/11	1951	1/6 1952 in case of aerodromes used as regular or alternate aerodromes by international air services 1/1 1954 in the case of all other aerodromes used or intended to be used for the operation of aircraft engaged in international air navigation	