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Albert Roper

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THE ORGANIZATION AND PROGRAM OF THE INTERNATIONAL COMMISSION FOR AIR NAVIGATION (C. I. N. A.)

ALBERT ROPER*

The International Commission for Air Navigation, commonly called by its initials the I. C. A. N.,¹ was instituted by the International Air Convention of 13th October, 1919. This Convention was prepared in 1919 by the Aeronautical Commission of the Peace Conference.

A first attempt to effect the international regulation of air navigation had been made in 1910 by nineteen European States meeting in Paris at an International Air Navigation Conference; a draft Convention was discussed, but unanimous agreement on a definitive text could not be reached. The idea was taken up anew at the opening of the Peace Conference and agreement among the ex-allied States was this time complete, because the Governments realized that aviation, in which so many improvements had been made during the war, was going to develop very rapidly as a means of international transport; that a general convention relating to the rules for air traffic would be immediately necessary; and that such a convention should be prepared without delay in order to lay down the principles to serve as the basis for uniform national regulations.

For in this matter unification is indispensable: the marks to be borne by aircraft must be of the same nature and distributed according to a general plan to permit of the instantaneous identification of aircraft in flight; the requirements as to the airworthiness of machines must be fixed by common agreement so as to give to the States flown over minimum guarantees with regard to the solidity and manoeuvrability of aircraft liable to cause damage on the surface; aircraft cannot rapidly cross continents unless the verification at each stopping-place of the documents carried is facilitated by the international unification of these documents; international air navigation is possible only on condition that one set of rules as to lights and signals and air traffic is universally applied; the public will only repose its confidence in the operating crew of

*Secretary General of the International Commission for Air Navigation. Lecturer, AIR LAW INSTITUTE, 1930.

1. In Europe, known as C. I. N. A.

public transport aircraft if it knows that the certificates and licenses of the personnel wherever issued are issued only after carefully defined examinations; finally, pilots cannot easily carry out long flights unless the aeronautical maps edited in the different States are comparable and bear symbols having everywhere the same meaning, and unless the meteorological information indispensable for the safety of the flights is not furnished in various languages or different codes.

The Convention relating to the regulation of aerial navigation, signed at Paris on the 13th October, 1919, deals, in forty-three Articles, with: general principles regulating air navigation; nationality of aircraft; certificates of airworthiness; certificates of competency; admission of aircraft of contracting States above the territories of other contracting States; rules to be observed on departure, when under way and on landing; prohibited transport; general arrangements to be made by all the contracting States to further the development of international air navigation; possible disagreements and their mode of settlement.

It provides for the creation of the International Commission for Air Navigation. Annex "A" to the Convention regulates the display of nationality and registration marks on all aircraft; Annex "B", the certificates of airworthiness; Annex "C", the log-books; Annex "D", the lights and signals and rules for air traffic; Annex "E", the obtaining of certificates as pilots and navigators; Annex "G", the collection and dissemination of meteorological information; and Annex "H", customs formalities.

Because of the fact that the Convention had been prepared *on the occasion of* the Peace Conference by a Commission composed only of representatives of the ex-allied and associated Powers, it was criticized immediately on its publication by certain of the Governments which had not been invited to participate in its preparation. It was nevertheless universally acknowledged that the Convention put an end to the long-standing legal disputes as to the freedom, total or partial, of the air, inasmuch as the principle which governs the whole Convention—that of the "complete and exclusive sovereignty over the air space above their territories"—adopted by the Governments of all countries, was no longer made a subject of discussion.

The first criticisms were formulated by the Governments of the ex-neutral States: Denmark, Spain, Finland, Norway, the Netherlands, Sweden and Switzerland met in December, 1919, at Copenhagen to examine the Convention and declared that they could

adhere to the Convention only when it had been amended so as to: (1) Recognize to all the contracting States the right to conclude special conventions with States not parties to the Convention; (2) Grant equal voting rights to all the States represented on the International Commission for Air Navigation.

These two questions were studied by the International Commission for Air Navigation as soon as it was instituted in 1922 and were solved by the adoption of two Protocols dated respectively 27th October, 1922, and 30th June, 1923. These two Protocols gave satisfaction to the above mentioned States but could not enter into force, owing to the time necessary to obtain the ratifications of the contracting States, until December, 1926. Consequent upon these amendments, five of the States which participated in the Conferences at Copenhagen: Sweden, Denmark, the Netherlands, Norway and Finland have adhered to the Convention.

From December, 1919, to the end of the year 1928 no new criticism of the Convention was officially formulated; on the contrary, its principles were applied in the whole world by all the States, signatory and non-signatory, which during that period prepared their national laws and regulations relating to air navigation. The obvious usefulness of the Commission prompted States not parties to the Convention to adhere to it.²

This very encouraging progression did not prevent the contracting States from sincerely regretting that certain States, manifestly taking an interest in the development of air navigation, had not seen their way to join the Convention, but as these latter had not made known the reasons for their abstention, it was necessary to wait for an occasion to present itself to examine any objections they might have to make against the Convention. The occasion arose in October, 1928, when Dr. Wegerdt, Ministerial Counsellor of the Ministry of Communications of the German Reich, published, with the approval of his Government, an article entitled "Germany and the Air Convention of 13th October, 1919".³

The question of the revision of the Air Convention of 13th

2. The following table of ratifications and adhesions since 1922 shows this progression: 1922—(1) Belgium, (2) Great Britain, (3) Canada, (4) Australia, (5) Union of South Africa, (6) New Zealand, (7) India, (8) France, (9) Greece, (10) Japan, (11) Portugal, (12) Kingdom of the Serbs, Croats and Slovenes, (13) Siam, (14) Persia, (15) Irish Free State; 1923—(16) Italy, (17) Bulgaria, (18) Czechoslovakia; 1924—(19) Roumania, (20) Uruguay, (21) Poland; 1926—(22) Chile; 1927—(23) Saar Territory, (24) Sweden, (25) Denmark; 1928—(26) Netherlands; 1931—(27) Norway, (28) Iraq; 1932—(29) Finland.

3. See 1 JOURNAL OF AIR LAW 1 (1930).

October, 1919, being thus definitively raised by one of the Governments whose adhesion presented the greatest interest, the International Commission for Air Navigation declared that it was prepared to proceed without delay to the examination of the criticisms formulated by the German Government. Adopting furthermore the suggestions as to the procedure to be followed which appeared among the German propositions contained in the above mentioned article, the International Commission for Air Navigation decided to hold as soon as possible an Extraordinary Session, to which would be invited, side by side with the Governments of the States parties to the Air Convention of 13th October, 1919, the German Government and the Governments of all the States non parties to that Convention.

The International Commission for Air Navigation thus took the initiative of assembling a universal conference for the purpose of examining the German proposals of modifications to be made in the Convention with a view to facilitating the adhesion of all States to this international agreement and ensuring the unity of air navigation regulations. The German Government accepted this invitation of the International Commission for Air Navigation and sixteen other States non-parties to the Convention followed its example.⁴ Forty-three States, therefore, participated in the discussion and among them were, with the exception of the Union of Socialist Soviet Republics which had declined the invitation, all the States which take a practical interest in the development of air navigation.

The Conference took place in Paris at the Ministry of Foreign Affairs, from 10th to 15th June, 1929. It proceeded to a detailed examination, Article by Article, of the Convention of 1919 and of the German observations formulated with regard thereto. After six days' discussions, the Conference unanimously adopted final resolutions containing a series of suggestions relating to amendments of the text now in force of the Convention.

Immediately after the closing of the Conference the International Commission for Air Navigation met to pronounce, in accordance with the procedure laid down by the Convention, on the conclusions of the Conference. All the propositions contained in the final resolutions were favorably considered by the Commission, which unanimously adopted a Protocol dated 15th June, 1929, mak-

4. (1) Germany, (2) United States of America, (3) Austria, (4) Brazil, (5) China, (6) Colombia, (7) Cuba, (8) Spain, (9) Esthonia, (10) Finland, (11) Haiti, (12) Hungary, (13) Luxemburg, (14) Norway, (15) Panama, (16) Switzerland, (17) Venezuela.

ing in the Convention all the amendments asked for. This Protocol has already been ratified by twenty-two of the twenty-six then contracting States. It will enter into force as soon as it has been ratified by all, and the modifications which will then be made of the text now in force will certainly have the effect of bringing in to the Convention the greater number of the States interested in the development of air traffic. Switzerland and Spain will then very soon increase the number of contracting States and Germany, Austria and Hungary, although they intend to discuss with the ex-allied States various questions concerning the air clauses of the Peace Treaties, will doubtless not long defer their adhesion. The International Commission for Air Navigation will then comprise the representatives of all the European Governments and will be able fully to perform the duties assigned to it by the Convention.

The Air Convention of 13th October, 1919, entered into force on the 11th July, 1922, for fourteen of the signatory States which had deposited their ratifications and for Persia which had notified its adhesion in 1920. Article 34 of the Convention provided for the institution, under the name of the "International Commission for Air Navigation", of a permanent Commission placed under the direction of the League of Nations and having the following duties:

- (a) To receive proposals from or to make proposals to any of the contracting States for the modification or amendment of the provisions of the Convention, and to notify changes adopted;
- (b) To carry out the duties imposed upon it by Article 34 and by Articles 9, 13, 14, 15, 16, 27, 28, 36 and 37 of the Convention;
- (c) To amend the provisions of the Annexes A-G;
- (d) To collect and communicate to the contracting States information of every kind concerning international air navigation;
- (e) To collect and communicate to the contracting States all information relating to wireless telegraphy, meteorology and medical science which may be of interest to air navigation;
- (f) To ensure the publication of maps for air navigation in accordance with the provisions of Annex F;
- (g) To give its opinion on questions which the States may submit for examination.

This Commission was to be convened as soon as a majority of the signatory States had ratified the Convention: this majority (14) was attained on the first deposit of ratifications and the Commission met in Paris on the 11th July, 1922, the date of the entry into force of the Convention. It fixed its seat in Paris, decided to meet at regular intervals, organized its permanent Secretariat

and created for the study of technical questions the following Sub-Commissions:

- Operational and Materials Sub-Commission.
- Legal Sub-Commission.
- Wireless Sub-Commission.
- Meteorological Sub-Commission.
- Medical Sub-Commission.
- Maps Sub-Commission.

The Commission is composed of the Representatives of the Governments of the States parties to the Convention. The Sub-Commissions are composed of experts designated by these representatives. The I. C. A. N. which at the commencement met every four months, and then every half-year, now holds a Session about every ten months. The Sub-Commissions meet in the intervals between Sessions.

The method of work is as follows: when a Delegation desires that a new item shall be studied by the Commission, it should normally present the question seventy-five days before a Session with a Note containing a statement of the subject-matter. During the course of the Session the Commission may either deal with the item forthwith or adjourn its decision or may refer the item for study to one or more of the Sub-Commissions. In the latter case, a Reporter, chosen for his special competency in the matter, is appointed and charged with the preparation of a Report to serve as the basis of study in the Sub-Commission. After discussion, a Report by the Sub-Commission is prepared. It contains a draft Resolution, which is submitted for advice to the Legal Sub-Commission if it involves modifications of the texts in force. All the Reports of the Sub-Commissions on the items which appear on the Agenda of a Session of the Commission are bound in a volume and distributed to the Members of the Commission, seventy-five days before the opening of the Session.

The International Commission for Air Navigation has up to now held nineteen sessions.⁵ In accordance with Article 34, para-

5.

First Session	Paris, July, 1922.
Second Session	London, October, 1922.
Third Session	Brussels, February, 1923.
Fourth Session	London, June, 1923.
Fifth Session	Rome, October, 1923.
Sixth Session	Paris, March, 1924.
Seventh Session	Paris, October, 1924.
Eighth Session	London, April, 1925.
Ninth Session	Brussels, October, 1925.
Tenth Session	Japanese Embassy in Paris, May, 1926.

graph 12, of the Convention, each of the Contracting States supports the travelling expenses of its Delegation; but the expenses of organization and operation of the Commission and its Secretariat are borne by the contracting States, the annual budget being voted by the Commission. For the year 1931 this budget amounted to 970,000 francs and the contribution of each contracting State was fixed at 34,000 francs.

The Secretariat,⁶ which is the only permanent organization of the Commission, is directed by the Secretary General, assisted by a Secretary. It comprises in addition two draftsmen-translators, a draftsman, five shorthand-typists and five employes or office messengers.

The duties of the I. C. A. N. are explicitly set forth in Article 34 of the Convention. It has first of all to discuss all proposals of modification of the Articles of the Convention, whether they originate with one of the contracting States or with the Commission itself, and no such modification can be proposed for adoption by the contracting States unless it has been approved by at least two-thirds of the total possible votes. Consequently, any contracting State which desires a modification of one of the Articles of the Convention has to present its proposal to the Commission, which can moreover itself take the initiative of proposing such amendments.

With regard to modifications asked for by a non-contracting State or by any person or organization outside the Commission, it is clear that they can be considered only if one of the contracting States or the International Commission for Air Navigation itself puts the matter forward on its own account. With regard to amendments to Annexes A to G of the Convention, the powers of the Commission are formal; it has the attributes of a parliament inasmuch as it can make any modification of the original provisions of these Annexes when such modification is approved by the ma-

Eleventh Session	Paris, November, 1926.
Twelfth Session	London, April, 1927.
Thirteenth Session	Rome, October, 1927.
Fourteenth Session	Geneva, July, 1928.
Fifteenth Session	Brussels, March, 1929.
Sixteenth (Extraordinary) Session..	Paris, June, 1929.
Seventeenth Session	Paris, December, 1929.
Eighteenth Session	Antwerp, June, 1930.
Nineteenth Session	London, June, 1931.

The Twentieth Session will be held in Paris in May, 1932.

6. The seat of the I. C. A. N. originally fixed in 1922 at 3 rue François-Ier, then in 1923 at 20 avenue Kléber, was transferred on the 15th April, 1930, to 15 bis rue Georges-Bizet, Paris.

majority fixed by Article 34 of the Convention, and the approbation of the Governments is not necessary as in the case of amendments to the Articles. In fact the Commission at each of its Sessions makes a certain number of amendments to these Annexes and its decisions enter into force four months after the notification sent by the Secretary General to each of the Governments of the contracting States.

By the terms of Article 37 of the Convention the Commission is also competent to settle disagreements between contracting States relating to the technical regulations annexed to the Convention. The procedure to be followed was fixed, during the course of the Second Session of the International Commission for Air Navigation by the adoption of special regulations.

The I. C. A. N. is therefore at the same time: (1) A Council charged with ensuring the application of the Convention and its normal evolution by proposing in due season to the contracting States the amendments called for by the development of international air navigation; (2) An international parliament having power at all times to adapt the technical regulations to the requirements of air traffic; (3) A tribunal settling in first and last instance disagreements which may arise between contracting States with regard to the technical regulations which it has power to enact; (4) An advisory committee giving its opinion on questions which the States may submit for examination; and (5) An organization for the collection and dissemination of all information a knowledge of which is indispensable to airmen. No other international organization has been invested with duties so vast. In the performance of the three duties first mentioned the I. C. A. N. of course acts only in the name of the States parties to the Convention.

As Advisory Committee there is nothing to prevent it from giving opinions to the non-contracting States which may consult it: the I. C. A. N. has, for example, in adopting Article 25 of its interior administration rules, spontaneously placed itself at the disposal of the Council of the League of Nations to advise the Council on questions which may be referred to it, and the League of Nations has on two occasions consulted the I. C. A. N. on problems within its competency.

As an information centre, the I. C. A. N. cannot but be universal, for it is impossible to conceive a centralization limited to a certain number of States and, as a matter of fact, the I. C. A. N. receives information from numerous States non-parties to the Con-

vention and distributes its information to all the States, contracting or non-contracting.

Charged by various Articles of the Convention [Arts. 9, 15, 16, 27, 28, 36 and Annex H, para. 3], with the duty of communicating to the contracting States decisions taken by each of them with regard to different matters of great importance to airmen, and of collecting and communicating [Art. 34 (d) and (e)] information of every kind concerning air navigation as well as all information relating to wireless telegraphy, meteorology and medical science which may be of interest to air navigation, the International Commission for Air Navigation has organized a service of centralization and distribution of all these decisions, regulations and information.

Decisions taken by the States parties to the Convention are centralized at the Secretariat and notified direct to the Governments of all the contracting States. They are also published periodically in the Bulletin of Information of the Commission together with the regulations and information above mentioned.

This Bulletin of Information is published weekly in two editions, one in French and the other in English. The general plan of this publication, divided into five parts, is as follows:

I. *Conventions. Laws. Regulations.* Conventions, agreements or arrangements relating to air navigation concluded by contracting States with non-contracting States in conformity with Article 5 of the Convention. Conventions between States not parties to the Convention. Special protocols in respect of customs, police, posts and other matters of common interest in connection with air navigation, as provided for in Article 36 of the Convention. National laws. National regulations relating to the carriage and use of photographic apparatus in air navigation, prohibited transport, the construction of machines, the issue of certificates and licenses, rules of the air, etc.

II. *Register of aircraft.* Registrations and cancellations of registrations entered on the registers of the various States (communications provided for in Article 9 of the Convention).

III. *Lists of Licences* issued by the different States (pilots, navigators, ground engineers, etc.).

IV. *General Information.* Notices issued by contracting or non-contracting States regarding aerodromes and landing grounds, the state of such aerodromes, danger areas, the creation or closing of landing grounds, the installation or demolition of air lights or W/T masts, the prices charged for fuel, the special rules for landing to be observed at certain military aerodromes, etc.

Wireless, meteorological and medical information. Official information of all kinds concerning international air navigation.

V. *Air Traffic Statistics.* Statistics officially published by the Governments.

This weekly Bulletin is sent free of charge to all Governments, aeronautical authorities, aerodrome managers and air navigation companies in all countries. It can be sent under the same conditions to associations, societies or private persons interested in aeronautical matters and qualified to receive it. This service of collection and dissemination of information should be still further extended in the future in order to relieve the States of numerous transmissions, difficult researches and expensive translations; it is already manifest that these States appreciate the importance of these exchanges and contribute more and more to their extension.

As regards the activity of the Commission in connection with the preparation and revision of the technical regulations annexed to the Convention, it may be stated that the official aeronautical authorities of all the countries which participate in or follow attentively its labors, highly appreciate the results achieved and approve the prudence with which the I. C. A. N. has used the powers conferred upon it.

For edification of those who may not have been aware of this activity—silent but sustained—it may be stated that a very large number of items—180 approximately—have since July, 1922, been submitted to the Commission, the following being among the most important:

Establishment of the standard minimum requirements for the issue of the airworthiness certificate with which all aircraft engaging in international navigation must be provided.

Determination of the methods of employing wireless apparatus (Art. 14) in aircraft.

Publication of maps for air navigation, which are to be prepared in a uniform manner for all countries.

Unification of the log books and documents on board aircraft, so as to simplify the formalities to be complied with in the course of journeys by air.

Rules as to lights and signals and the preparation of a Code for air traffic.

Unification of the models of the certificate of airworthiness, certificate of competency and license, so as to permit the ready identification of their holders whatever be the language in which the documents have been issued.

Unification of the symbols and terms used in aeronautical technology, which will facilitate international discussions and the translation of studies, researches or tests, made or undertaken.

Exchange among the contracting States of all national legislation documents relating to air navigation.

Medical examinations required for pilots of aircraft.

Transmission of meteorological information.

- Organization of emergency medical boxes on board aircraft.
- Night landing lights on aerodromes.
- Adoption, for calculations, of an international standard atmosphere.
- Rules for air traffic.
- Transport prohibited for aircraft.
- Institution of a certificate for navigators and a certificate for meteorologists.
- Composition of the operating crew of aircraft.
- Collection and dissemination of meteorological information.
- Unification of the characteristics required in respect of materials used in aeronautical construction.
- Competency of women for piloting aircraft.
- Investigation of aircraft accidents occurring abroad.
- Use by aircraft of a radio-telegraphic alert signal.
- Compilation, centralization and publication of air traffic statistics.
- Revision of Annex F (Aeronautical maps) to the Convention.
- Revision of Annex H (Customs) to the Convention.
- Carriage of arms and munitions in aircraft.
- Sanitary control of air navigation.
- Signals for aircraft in distress at sea.

Other questions of equal importance are already submitted for the future deliberations of the Commission. Its programme is therefore a vast one; it will continue to enlarge and it may be considered that the development of international air navigation will greatly depend on the activity of the International Commission for Air Navigation and the value of its labors. It would however be incorrect to suppose that the I. C. A. N., proud of its official duties, has isolated itself in its work and ignored the efforts of other international organizations concerned with air navigation. Such organizations are numerous and of very different kinds. Some of them are governmental (League of Nations, Pan-American Union, Conference on Private Aerial Law) or simply official because approved or set up by certain Governments (Conferences of Officials or International Aeronautical Congresses). Others are due to private initiative: International Aeronautical Federation, International Air Traffic Association. Others again comprise savants, engineers, in particular jurists, who desire to study in common aeronautical questions in which they are specially interested. Finally, certain organizations whose activities were not originally directed to such matters, have been led to concern themselves with the development of air traffic: International Bureau of the Telegraphic Union, Universal Postal Union, International Meteorological Committee, International Hydrographic Bureau, International Office of Public Hygiene, International Chamber of Commerce, etc.

The I. C. A. N. has studied the activities of all these organizations and has been in collaboration or in close touch with most of them. Placed under the direction of the League of Nations, the I. C. A. N. has put itself at the disposal of the Council of the League and is in direct and regular relationship with the Committee for Communications and Transit. In 1930 it entered into relations with the Pan-American Union. It follows attentively the work of the Conference on Private Aerial Law, the Conferences of Officials (Western and Central European group and Mediterranean group), the International Radio-electric Conferences, the International Aeronautical Congresses, the International Air Traffic Association (I. A. T. A.), the International Hydrographic Bureau, the International Office of Public Hygiene and the International Chamber of Commerce. The Secretary General of the Commission represents it at the Sessions of these organizations and prepares, with regard to the conclusions reached, Reports which enable the I. C. A. N. to keep posted on these various activities and to take in due season such decisions as may be necessary.

The multiplicity of these international organizations may be a matter of surprise, but it will be found on examination that it would be difficult to impose simplifications in this domain, and it will readily be perceived that what is especially important is to maintain above these manifold activities, a governmental organization, sufficiently flexible to keep pace with progress, sufficiently powerful to impose its decisions and sufficiently prudent not to abuse its powers: It is for the International Commission for Air Navigation to discharge this duty, and the manner in which it has acted hitherto warrants the statement that it will be able to do this to the fullest extent at the time now certainly not far distant when all the States really interested in the development of aeronautics will be represented on the Commission.