International Review
Arising out of a former Report by the Air Navigation Commission (No. 548) on the desirability of devising standard signals for the exchange of messages when an aircraft has committed an infringement of restricted airspace, the Council asked the Air Navigation Commission to consider the following suggestion:

"Establish a procedure by which airlines would give advance notification of flights in the vicinity of restricted airspace to States controlling such airspace, when these were not States that would be automatically notified through the filing of flight plans."

The Air Navigation Commission considered three methods through which such a suggestion might possibly be implemented, as follows:

(i) the individual notification of actual flights about to take place on a route in relatively close proximity of restricted airspace;

(ii) a "standing" notification of:

(a) the schedules of flights to take place on routes in relatively close proximity of restricted airspace;

(b) the likelihood that aircraft operating in the vicinity of an aerodrome situated close to a national boundary might inadvertently drift beyond the border.

The conclusions of the Air Navigation Commission, which are now submitted for information, were as follows:
Individual Notification of Actual Flights

The Commission has assumed that such notification would be initiated at the same time as the filing of the flight plan and would virtually consist of transmitting relevant details extracted from the PLN to the State or States concerned. It is also presumed that, although this action would be initiated by the operator, it would only be to the extent of listing further addressees on the flight plan form, and the responsibility for supplying the necessary detailed information would devolve upon air traffic services.

In general, those States likely to take drastic action following violation of restrictions imposed on their airspace are not connected to the AFTN.* It would therefore be necessary to transmit PLN** messages by means of other channels, the reliability of which is unknown.

The Air Navigation Commission has therefore concluded that, unless 100% reliability of communications could be assured and unless the system were completely free from breakdown, it might be conducive to even greater danger than exists in the present situation, since an unannounced aircraft violating restricted airspace under the new circumstances might be treated with more suspicion than it would have been, had the system of advance notification not been in operation.

Standing Notification as per Flight Schedules

The Air Navigation Commission considered that the formal notification of flight schedules on a standing basis is not in itself a desirable practice since it could, as in the case of individual notification, cause an aircraft other than those operated to a schedule, or any such aircraft in the case of substantial delays, to be treated with more suspicion than it would have been, had the notification of flight schedules not been made.

Standing Notification That Aerodrome Operations Are Likely To Inadvertently Drift Across an Adjacent National Border

The Air Navigation Commission recognized that, although the chance of an aircraft infringing a restricted airspace is not so great in the vicinity of an aerodrome, where the precision of navigational aids is greater than en route, there would probably be an advantage in notifying, on a standing basis, the likelihood that aerodrome operations may inadvertently cross an adjacent border. The ANC considered, however, that such a likelihood is already known through the publication of aeronautical information on approach patterns, etc., as required by ICAO Standards and Recommended Practices, that if further action were considered necessary, it would be a matter for local arrangement, and that, as no case had yet been reported of difficulties in similar circumstances, this would generally indicate that adequate solutions could be found whenever necessary. For these reasons, the ANC considered that ICAO action on the technical aspects of the question would not be profitable.

The Air Navigation Commission informed the Council, therefore, that it was not in a position to offer a technical solution to the problem other than the alleviation of some of its aspects. These suggestions are contained in the aforementioned Report to the Council (No. 548—C-WP/2376, 11/3/57).

AIR TRANSPORT COMMITTEE

In December the ICAO Council finally decided to convene the Conference on Charges for Route Air Navigation Facilities in Montreal on 18 March 1958. The documentation for this meeting is nearly complete. The Council

* Aeronautical Fixed Telecommunications Network.
** Plan.
also received the Report of the 2nd Session of the European Civil Aviation Conference and agreed that the ICAO Secretariat shall carry out a number of tasks required by the recommendations in that report, although further consideration will need to be given if any of this work cannot be carried out without detriment to the other work of ICAO. Additional European States have joined the Multilateral Agreement on Commercial Rights of Non-Scheduled Air Services in Europe, developed at the 1st Session of ECAC in 1955. As of 31 December 1957 this Agreement was in force between Austria, Denmark, France, Norway, Spain, Sweden and Switzerland. Finland will be added to this number on 6 February 1958. As a result of a request from the Mexican Government the Council decided to defer the preliminary meeting on the coordination of air transport in Middle America which had been planned for the end of November 1957. The views of the States in the region are being canvassed to see whether the meeting should be held in the near future or postponed indefinitely.

The project to provide, by means of Joint Financing, a VHF forward scatter communication system between Canada, Greenland and Iceland, coupled with a cable linking Iceland and Europe, made rapid progress during the summer of 1957. In November, however, a meeting of the Coordinating Group of Implementing States, held in Copenhagen, reported that: (a) no completely acceptable tender was received in so far as stand-by equipment requirements, circuit performance and performance guarantee were concerned; (b) no tender received would have permitted construction of the System within the limitations of the Joint Financing cost ceilings established in June; (c) additional financial and technical negotiations with the selected prime contractor would be necessary before contracts for the installation of the System could be signed. These problems were communicated to all the interested States and the matter is being further explored in an attempt to find solutions that can be generally accepted soon enough to avoid postponing the whole project for another year.

II. INTERNATIONAL AIR TRANSPORT ASSOCIATION

10th TECHNICAL CONFERENCE
MIAMI, FLORIDA, NOVEMBER 18-30, 1957

The 500-odd technical experts who attended the above conference included IATA member airlines, manufacturers, air forces and government agencies in the Americas, Europe, the Middle East, Africa, Australia and the Far East, as well as other international organizations.

The main headings under which the work proceeded were:
(a) Factors affecting turbine operations
(b) Navigation aids and communications requirements
(c) Meteorological requirements
(d) Apron requirements

(a) Factors Affecting Turbine Operations

Conference studies were organized under five special committees, of which the first was chaired by J. T. Dyment, Trans-Canada Air Lines, who presided over the first of the IATA-sponsored international study meetings on turbine-powered aircraft in 1950. Information derived by this group on factors affecting turbine operations was further reviewed by other groups meeting simultaneously to consider navigational aids and communications, meteorology, terminal apron requirements and flight planning.

Fuel was a critical item on the Conference study list, because the turbine engine uses so much of it, and because turbine-powered aircraft cruise at higher altitudes where temperatures are extremely low. All aspects of fuel
supply, specification, management in flight, measurement and even dumping were examined.

A particularly significant result of the meeting was an agreement between 10 of the airlines at the Conference on a common jet fuel of the kerosene type which will have a freeze-point of minus 50 degrees Centigrade (minus 59 degrees Fahrenheit). This agreement does not constitute an international standard, nor does it affect those carriers who wish to use fuels of the JP4 and other type; but as a common requirement to be expressed by the airlines concerned to their own suppliers, it is expected to result in appreciable economies in supply and storage.

The meeting found that fuel management in flight will be simple and straightforward once valves and pumps are set for flight. It also determined that economical operation will require more accurate and reliable fuel quantity indication systems.

Airlines and suppliers agreed that it will be desirable to measure jet fuel input by weight, rather than by quantity when tanking the aircraft, a fact which sets up a further requirement for weight meter tanking facilities.

Other points which emerged from the fuel discussion were the desirability of under-wing refuelling, rather than the traditional over-wing methods; the requirement for absolute cleanliness of fuel, and thus for improved filtration in fuel supply.

The demands of turbine engines, on take-off and through all phases of flight, were exhaustively discussed. Tables of the effects of temperature, variations from sea level and other factors, as well as of optimum power settings, were compiled for the airlines by manufacturers.

Reviewing the final phases of operation, the group were agreed that the economics of jet aircraft are such that they should not be subjected to holding, but should be brought directly into approach. Informal and general conclusions as to the best techniques for normal operation in the approach were reached.

The Conference found that while jet aircraft will have rather different flying characteristics from present piston-engined aircraft, and will meet somewhat different flying conditions at their higher altitudes, they are sufficiently stable and highly maneuverable and should encounter no piloting problems which cannot be taken care of by routine pilot training.

The turbine aircraft's rapid climb through the lower levels of bad weather and icing to the comparatively more stable higher altitudes will, on the whole, mean smoother flight for the passenger.

Passenger comfort was a paramount consideration throughout the discussions. It was felt that the principal limitations on rate of climb and descent will be those of comfort; and that they should be kept within a comfortable rate of change in cabin pressure, with floor angles during both climb and descent to be maintained within reasonable limits for both comfort and convenience of catering.

Special consideration was also given to external noise, particularly in the vicinity of airports. After a detailed review of manufacturers' progress in the development of suppressors for their engines and of preferred take-off techniques, it was felt that jet noise levels should be no greater than those presently experienced with piston-engined aircraft.

It was also held that this concern about noise will have a determining effect on climb techniques; and that studies so far indicate that it is desirable to reach populated areas at as high an altitude as possible, but at reduced throttle settings.

As a basis for further development of noise suppressors, it was felt that operators will need more data of the sort which will enable them to evaluate
the weight and power loss penalties they may impose. The group therefore recommended that further studies be undertaken immediately through IATA. The airlines individually will be required to decide whether they wish suppressors of the fixed nozzle or retractable type, and it was indicated that short haul operators preferred the fixed type because of their comparative simplicity, while long haul carriers leaned toward retractable suppressors which, though heavier, imposed little or no thrust loss in cruising.

Again in their consideration of take-off, the conferees agreed that it will help the pilot of the turbine-engined aircraft to encourage the development of a "go/no go" instrument or external runway marking device to tell him whether his rate of acceleration is acceptable for the conditions of take-off, particularly where runway lengths may be a critical operating factor.

The Conference explored the problem of turbine operation under extreme climatic conditions and found that on the basis of data and suggestions supplied by the manufacturers and the air forces, neither polar nor tropical conditions present particular difficulties. For take-off conditions, it was felt that traditional coolants, such as water methanol, although undesirable, may have to be used.

Other instrumentation needs which emerged from the discussions included a requirement for more accurate sensitive altimeters to assist adequate separation between aircraft in flight; and improved ambient temperature indications.

Another incidental, but important requirement for jet operations, it was found, will be good housekeeping on airport aprons, because of the substantial suction power of jet engines. While they can ingest reasonable quantities of sand and water without particular damage, they do not thrive on debris blown up by other aircraft taxiing by, or on maintenance tools, nuts or bolts left inadvertently in engine casings. The Conference felt that intake screens during taxiing and other movement on the apron have not proved satisfactory, but that intake covers fitted after shutdown have been effective.

(b) Navigation Aids and Communications Requirements

The Conference committee on navigation aids and communications requirements, headed by B. F. McLeod, Pan American World Airways, considered that the turbine aircraft will make time an ever more critical operating factor and will enforce an even closer inter-relationship between navigation, communications, air traffic control and meteorology.

In general, it held, the airlines will meet much the same problems which they encounter now. However, the speeds of the new aircraft will be considerably greater and the increased rate of communications and navigation functions will call for improvements and, where possible, automation of present facilities.

A significant feature of this phase of the Conference was the first full international demonstration and discussion of the Doppler navigation system, from which the pilot can derive a continuous indication of his actual ground speed and drift angle.

The system is based on the so-called Doppler effect—the shift in frequency of a radar wave transmitted from a moving source and reflected back by the surface of the earth. (Essentially, the same principle is used in radar speed traps on automobile highways.)

Developed by the military over the past six years and now in limited military use, the system was declassified only several months ago. The U.S. Air Force and manufacturers of the equipment in the U.S., Canada, and Great Britain cooperated by presenting their views at the IATA meeting.

The committee reported a lively interest in Doppler among the airlines,
particularly because it is a self-contained system, independent of ground aids, which provides automatically two of the three basic elements of navigation. (The third is heading, which is provided by separate systems, such as gyro-magnetic compass, free gyro, etc.). As such, it was felt to offer a greater measure of freedom of navigation anywhere over the globe than any other system now known.

Doppler was also considered in relation to ground based aids; and it was felt that used in combination, they would provide a better degree of navigation service than either type could give by itself.

Considerable attention was also given to improved ground-based navigation systems.

The Committee explored the possibilities of automation in navigation and communications, and suggested that a number of routine functions in the future be taken off the shoulders of the pilot and assigned to mechanical devices in the cockpit.

It showed particular interest in reports by individual airlines of tests of automatic reception of data from the ground by cockpit teletype, and recommended a study of means of automatic air to ground transmission of routine information which require only a limited vocabulary, such as position reports.

At the same time, however, the Committee felt that for the foreseeable future, airline communications will require a good air-ground voice channel for less routine information requiring a larger vocabulary.

The Committee also considered that computers in the aircraft could perform a wide range of other jobs, to a large extent limited only by the complexity and expense of the equipment.

Doppler and heading information, it felt, might be fed into a computer to give the pilot continuous and easily read steering and present position information in relation to where he is and where he is going. Computers could similarly provide automatic wind observations by triangulating ground speed, drift and true air speed.

The Committee also reviewed a number of new compass systems which will provide a substantial increase in accuracy and will be usable in polar regions.

(c) Meteorological Requirements

A third committee under the chairmanship of S.G. Olhede, Scandinavian Airlines System, concentrated on the meteorological aspects of the new turbine era; the more critical demands of high speed and high altitude operation for data affecting all stages of flight; and the ways in which the reporting, forecasting, presentation and transmission of information can be streamlined and improved to meet the circumstances of greater range and speed and shorter flying times.

New specifications for upper air charts to help forecasters give more satisfactory indications of winds at upper air levels in the higher troposphere and lower stratosphere (between the 300 and 200 millibar pressure levels) were drafted by the committee, which urged that ICAO and WMO investigate a number of further improvements. It also held that upper winds and temperatures be reported by MET offices in relation to pressure altitudes, rather than true altitudes.

Asking for the inclusion of data on high altitude jet streams in the upper air as a regular feature through special jet stream charts the Committee also pointed out a need for data on two other high altitude phenomena—clear air turbulence, which sometimes attends jet streams, and "lee waves" in connection with winds over mountainous regions whose effects can extend up to the stratosphere.
Information about clear air turbulence and lee waves, which it held can now be forecast, should be disseminated to pilots in special SIGMET messages, the Committee felt. At the same time, the proposed ICAO form for reporting clear air turbulence by pilots should be simplified.

Standardization of pictorial presentation of weather data on SW (significant weather) and cross section charts was urged. The group also recommended a number of changes in the form and presentation of MET charts used in briefing and included in preflight meteorological documentation. It pointed out that the range of individual flights will increase to the point where present charts will be insufficient to give the picture of the entire route needed to plan pressure pattern or "best time" tracks. For this reason, it urged the preparation of new charts to give continuous route coverage, up to and including the aerodrome of destination and its alternate aerodromes.

While the group agreed that pre-flight computing of mean route winds and "best time" tracks by MET offices is desirable to speed up the pre-flight calculation of the most economical fuel usage, it felt that this cannot now be standardized on a worldwide basis, and must continue to be worked out by individual operators with their local MET offices.

Due to the anticipated increase in air traffic "collective documentation"—the wholesale distribution of this written data to all pilots—would be an acceptable means of lightening the workload of MET offices, the committee considered. It also envisaged the possibility of briefing by closed circuit television.

At the same time, it recommended further study by IATA of the scales, projections and standard parallels of MET charts in order to achieve greater standardization and to eliminate unduly small scales. The study should also cover the possibilities of interchange of chart information by facsimile processes, it added.

In-flight reporting of meteorological phenomena was also reviewed. It was recognized that in turbine operations pilots will have less time in flight to make and report observations, so that reports should be limited to winds and temperatures, elements which in future may lend themselves to automatic recording and transmission.

The Committee found that the new jets will require highly accurate indications of landing conditions at aerodromes before they begin their descent and endorsed in principle a requirement for such landing forecasts and reports as recently established by the ICAO Jet Panel. If favored certain variations, however, suggesting that the form of landing forecast may be simplified in some areas; while in regions of heavy traffic density it might be desirable to substitute the broadcasting of two-hour forecasts on a routine basis, rather than to supply them specifically to individual aircraft.

Standardization of dimensional units will be more urgently needed in the jet era, the group declared. Acknowledging that it may be impossible to obtain immediate worldwide agreement between the metric countries and those which favor English units, it held that there is an urgent necessity for a compromise which would at least assure that all MET data are reported to aircraft in flight in the same way throughout a given region.

The committee also drew up a new timetable of recommended maximum delivery times to speed the passing of operational MET messages over ground channels and to keep abreast with the increasing speed of the aircraft.

(d) Apron Requirements

Conference discussions of jet handling and servicing at airport terminals, carried out under the chairmanship of R. E. Fisher, Pan American World
Airways, resulted in the preparation of a detailed information document which will be published by IATA for the guidance of airlines, airport authorities, suppliers and other interested parties.

Aircraft and engine manufacturers, fuel companies, USAF representatives and airlines collaborated in reviewing the requirements of the jets in terms of apron systems, fixed services, load handling methods and precautions against noise, blast, heat and fumes.

The suggested arrangements are based on a number of basic principles arrived at or drawn from the discussions:

- that maneuvering of turbine-powered aircraft on the apron should be carried out under the aircraft's own power;
- that hydrant refuelling is desirable where large quantities of fuel are to be supplied to turbine-powered aircraft;
- that open apron systems are undesirable and that where aircraft cannot be parked on stands immediately adjacent to the terminal building, the pier finger system best meets the Airlines' requirements;
- that use of passenger carrying vehicles will be even more unsuitable with turbine-powered aircraft operations than with conventional aircraft.

The Committee recommended that manufacturers be asked to supply specific information regarding the effect of blast and the noise levels which may be met on the apron or in terminal buildings, and devised a form by which this data can be supplied.

**FLIGHT PLANNING FOR JETS**

Greater precision of operations will be an absolute economic necessity for commercial jet transport, and airlines using the new aircraft will have to plan their flights to much closer tolerances, it was reported by a Committee on flight planning, chaired by E. W. Pike, British Overseas Airways Corporation.

Reviewing the experience of operators who have already flown turbine aircraft, the Committee found that the penalties for operating jets below their design efficiency point are much heavier than in piston-engine or even turboprop flight.

Because the ratio of payload to gross weight is more critical in long range jet operations, weight control of any kind will be most important.

While the Committee felt that there is no need to standardize flight planning methods, it held that every airline will have to work out simple, rapid and comprehensive procedures for its own operations. It was able to put into the Conference record detailed information on several methods of flight planning already followed in jet operations.

The group agreed that flight planning is a continuing process, which is begun on the ground, but which must be continued in the air to take account of flight progress and conditions. Operational calculations must therefore make allowance for all reasonable contingencies, such as diversion from route and the like. The Committee therefore urged that if operators are to avoid undue increases in costs, they must develop methods by which pilots can replan their flight rapidly and accurately in mid-course.

The Committee warned, however, that flights can only be planned within the limits of facilities and services and that the airlines' efforts to improve the efficiency of turbine operations can be cancelled if these services, particularly air traffic control, cannot match the attractively high performance promise of the new aircraft themselves.
INTERNATIONAL

Noting the probability of increased vertical separation standards at higher flight levels, the Committee said that the airlines face severe penalties if airspace utilization is not made more efficient. These penalties will not only apply in high density traffic areas, it said, but may also be met in areas of lesser traffic where the lack of facilities will entail larger separation standards.

On the other hand, the Committee reported that because of their higher speed, jet aircraft will not be as vulnerable as piston engined aircraft to the effects of winds en route and that on a given track, errors in wind forecasts will be less significant than deviations from the optimum vertical flight path.

The Conference was organized by the IATA Technical Director, Stanislaw Krzyczkowski. S. B. Kaufman, Pan American World Airways, was Vice Chairman of the sessions.

JOINT MEETING OF TRAFFIC CONFERENCES 1 AND 2
PARIS: NOVEMBER 19th, 1957

International Air Transport Association announced on November 29, 1957, that the scheduled international airlines have agreed to introduce a new “Economy” service across the North Atlantic beginning April 1, 1958, at fares 20 per cent below those of tourist class.

The fares for the new service will be $252 one way and $453.60 round trip on the basic New York-London route. Fares between other North Atlantic gateway cities will vary somewhat.

The agreement was reached in Paris during discussions carried over from the IATA Traffic Conference at Miami Beach a few weeks previously. Mr. Hugh B. Main, Vice President of Canadian Pacific Air Lines, who acted as Chairman of the Paris meeting, said the agreement also covered all other outstanding points of fares on the North and mid-Atlantic routes.

Mr. Main said that the carriers hoped that the new economy service would appeal particularly to a new class of potential customer. It represented another major step on the part of the airlines in their sustained effort to offer cheaper transportation to the public.

Seating on the economy service will be less spacious than that offered in the present tourist class. Food service will be simple, limited to sandwiches, tea, coffee, milk and mineral water, and no alcoholic beverages will be served or sold. The free baggage allowance, however, will be 20 kilograms (44 pounds), the same as the present tourist allowance.

Mr. Main said that, owing to rising basic costs, carriers found it necessary to raise existing first class and tourist fares by small amounts of $35 and $25 respectively as from April 1 next. (The present fares are $400 one way for first and $290 one way for tourist class, New York-London.)

Carriers decided not to continue the existing 15-day excursion fare over the North Atlantic for the time being.

Fares on the mid-Atlantic route were also subjected to a slight upward adjustment effective in first class only, from April 1 next.

Special fares for immigrants and their families traveling during the off season will be retained and will be available on both tourist and economy services.

All fares are subject to government approval before they can be introduced.
EXCERPTS FROM IATA FACILITATION BULLETIN No. 7

Argentina:
An informal report has been received concerning a First International Tourist Congress held in Buenos Aires. The Conference was attended by representatives of 25 countries drawn from tourist organizations and governments. The following Resolution was adopted by the Congress:

"Simplification of entry and departure requirements for aircraft and passengers.

The First International Tourism Congress in Argentina has decided:

(1) The establishment in every country of an Air Transport FAL Commission which will be integrated with both officials handling the international air transport and representatives from the airline companies. It will be their duty to revise and simplify all the entry and departure requirements for aircraft and passengers.

(2) To take all the necessary steps to eliminate the red tape originated by excessive controls, that prevent the normal development of air traffic.

(3) That all paper work for the arrival and departure of aircraft, passengers and baggage be accomplished according to the speed of means of transportation used.

(4) To take the necessary steps in order to require no more than the following documentation for the arrival and departure of tourists:
   (a) Any certification of identity and nationality.
   (b) International E/D card.
   (c) International vaccination certificate.

(5) To reduce to the minimum the number of documents required for the arrival and departure of international flights and in every case no more than the number of copies required in ICAO Annex 9."

Australia:

The minutes of the 90th Meeting of the Australian Co-ordinating Committee on Facilitation of International Air Transport indicate that the procedure for the issue of alien registration forms is to be amended in the interests of facilitation.

Effective from 1st January 1958 these forms (RA2 and RA3) will be available at Australian Overseas Visa Issuing Offices. This means that passengers travelling to Australia and who require to obtain a visa will be able to obtain and complete these registration forms before they commence their journey. It will still remain the responsibility of the delivering carrier to ensure that the forms when required are in the passengers’ possession on arrival in Australia and that the forms are correctly completed.

While it is hoped that the airlines will eventually be released from the responsibility for ensuring the accuracy of these forms it is felt that the arrangement outlined above will be of great assistance to aircraft cabin personnel who at present are obliged to distribute these forms in flight.

Canada:

The Canadian Government has agreed to dispense with the passenger manifest for overseas traffic with immediate effect. The following is the text
of a letter received from TCA (and also addressed to other carriers operating to Canada) by the Canadian Department of Citizenship and Immigration.

“As the result of a recent meeting in Ottawa with Airline representatives it has been decided to abolish Passenger Manifests for overseas traffic and to accept an E/D (embarkation-disembarkation card) for Canadian citizens and returning residents.

“In effect the documentation for persons arriving in Canada by air, directly or indirectly from overseas, is to be carried out as follows:

(a) An E/D Card is to be completed (in ink and block letters or by typewriter) for Canadian citizens and returning residents arriving in Canada from overseas flights. Questions 1 and 6 will be completed for Canadian citizens and all questions will be completed for returning residents.

(b) The E/D Card in each case is to bear the flight number, port of entry and date.

(c) Form Imm. 1000 is to be completed for each immigrant, non-immigrant, or Canadian citizen born outside of Canada, coming to Canada for the first time.

(d) A copy of the general declaration is to be submitted on which is recorded the total number of passengers on board in flight in question.

“The E/D Card may be printed by your company but should conform to the lay-out size, and color of the E/D Card utilized by the Trans-Canada Airlines. Undoubtedly Trans-Canada Airlines would be pleased to forward you a sample of their E/D Card on request.

“The passenger manifest is being eliminated on the understanding that unnecessary work and delays will not result at ports of entry due to the lack of a nominal roll. The Immigration Officers are being informed that some allowance for errors must be made for the initial flights under the new system. A continuation of errors after the initial period of adaptation, however, would necessarily result in a change to a system which precludes errors.”

Further improvements in Canadian Immigration procedures are anticipated in the future and it is understood that form Imm. 1000 will be eliminated as from 1st January, 1959.

Chile:

Some time ago the Chilean Customs authorities proposed to introduce a new aircraft clearance document for air freight. It was intended that this document would be prepared at the point of origin for cargo destined to Chile. This document was obviously contrary to Annex 9 and would have created a great deal of difficulty for the airlines concerned.

Subsequently, the airlines protested this proposal. In spite of the fact that the projected document was apparently prescribed in a Customs decree there appears to be some hope that its introduction will be successfully opposed.

Iran:

The withdrawal of various taxes imposed on passengers leaving Iran can be reported. Altogether three taxes were involved and through persistent representations they were, over a period of time, all removed. These efforts
have resulted in the withdrawal of charges varying in amount up to almost $30 (U.S.) per passenger.

Subsequently, it was possible to lighten further the burden of taxes on airline traffic by eliminating a tax of 15 Iranian Rials on imported spare parts and pharmaceutical supplies. It is understood that attempts are being made to have this tax removed in respect of all cargo shipments. So far this has not been achieved but the latest development is that the charge on all shipments has been reduced to 5 Rials.

**Israel:**

The Israeli Customs Authorities introduced 1st September, 1957 a simpler form of customs declaration for returning residents. This declaration is made out in Hebrew, English and French. From the same date tourists visiting Israel will not be required to complete a form but will declare their baggage on an oral basis.

**Lebanon:**

There has been a relaxation in visa requirements by the Lebanese Government. Existing legislation, apparently, did not prescribe the number of entries which might be made on a single Lebanese visa. The Ministry of Foreign Affairs has accordingly interpreted the legislation through explanatory decrees so that consulates can issue to most classes of traveler visas for several trips over the maximum period of six months without additional charge.

This development would seem to indicate a sympathetic attitude to facilitation questions on the part of the Lebanese Government.

**Pakistan:**

Reports of the Airlines' Facilitation Committee indicate that progress is being made.

Customs checks on direct flights between East and West Pakistan had been the cause of a lot of irritation as the baggage of almost every passenger was thoroughly searched at Karachi, Lahore and Delhi and written declarations were required. These checks were abolished as from 31st August, 1957.

Unaccompanied baggage which previously had to be lodged at the air freight unit at Karachi can now be retained at the Karachi airport for three days during which the passenger may clear it as baggage.

Pakistan has agreed to accept the Annex 9 E/D card with one added item.

**United Kingdom:**

The United Kingdom Customs authorities are taking measures to simplify cargo clearance. One of the ways in which this will apparently be achieved is through codifying descriptions of goods. U.K. Customs anticipate that they will be able to accept a coding system for import entry descriptions instead of two to ten lines of text as at present. The entered item would probably be Coded Main Heading, Coded Sub-heading, and brief 2/3 word description e.g. cigarette paper. The Report of the Select Committee on Estimates (from which these simplifications arise) contains a passage which shows admirably the urgent need for such a system. The Report noted that...

"The point was made in several memoranda that many Customs and Excise forms were long and complicated and that there could well be some simplification. Representatives of both air Corporations were emphatic in their view that codification of the Import and Export Lists would help the airlines, the traders and the department itself by making it easier and cheaper to apply modern
accounting methods both for checking and for trade statistics. The Import List contains such delectable entries as:

"Mexican fibre or istel, madagascar fibre and gumati or gomuti fibre, not further dressed after scutching or decor-ticating."

"There are many descriptions of similar length and some obscurity, and the Sub-Committee saw at London Airport entries of great length on which sums such as only £2. were payable. Even writing out a single line every time one imports a small quantity of an article is obviously tedious and wasteful."

Simplification of Bar Box clearance. To elucidate this procedure it should be explained that this involves the transfer of duty-free stores to the aircraft. The simplification provides for direct transfer from bonded stores to the aircraft and not, as formerly, through a third point. It is interesting to note from the Select Committee Report that one of the British carriers anticipates a saving of £6000 yearly through this simplification.

United States:

From the beginning of December 1957, elimination by the U.S. of the requirement that airlines furnish passenger manifests on all international flights is expected to save the U.S. and foreign carriers $1 million a year in paper work. This saving applies only to entry into and departure from the U.S. Should other nations enter into reciprocal agreements with the U.S. to abolish the manifest, the saving will be substantially larger.

Council of Europe:

According to Reuter's Agency, Paris, November 28th, 1957, persons travelling among 17 member countries of the Council of Europe may soon be able to travel without their passports.

An agreement on the abolition of passports was reached at Strasbourg during the week prior to the above date. This agreement will be open for signature at next month's meeting in Strasbourg of the Council's ministerial committee.

III. INTERNATIONAL CRIMINAL POLICE COMMISSION (ICPC)

It may be of interest to readers that between June 17-22, 1957, the above Association held its Annual General Assembly (26th Session) in Lisbon, Portugal, during which several Facilitation questions (the ICPC had endorsed Annex 9 at an earlier annual assembly) of interest to international aviation were raised, particularly the question of supervision of passengers in transit at airports. The majority of delegates expressed the opinion that such measures should be worked out at each location in a co-operative spirit between the security or policy officials and the airlines officials.

A second matter raised at the meeting was the question of anonymous calls to airlines warning that a bomb had been placed on a plane. No final decision on this matter was taken.

IV. CASES AND COMMENTS

"DUAL NATIONALITY IN AIRLINE BUSINESS—GREEK AIR TRANSPORTATION EXPLOITATION AGREEMENT"*

The recent Agreement between the Greek State and one of its citizens relating to the exclusive exploitation of all air transportation, both in Greece

* By Mr. Demetre Zepos, attorney at law, Athens, Greece.
1 Agreement on Air Communication, 30th July, 1956.
and abroad, under the Greek flag, raises interesting questions in international law.

The Agreement goes into detail in regard to the conditions under which the exploitation must be made.

The novelty of the Agreement is not its nature but rather the fact that the Greek citizen who enjoys the exclusive rights under the Agreement is also the subject of another Sovereign State and has his permanent residence in a third State. It is therefore safe to refer to the person who controls the new Greek airline as a person with dual citizenship. There is no precedent for such an arrangement and accordingly one might speculate as to whether there could be legal difficulties arising out of the existing bilateral air transport agreements to which Greece is a party. The contracting parties to the Agreement themselves appear to have contemplated certain difficulties because the Agreement under Article 22 provides machinery through which—in case of such difficulties arising—the ownership of 51% of the shares of the operating company could be transferred to proper Greek institutions.

Paragraph 2 of Article 22 states “in the event of repeal of the exploitation licenses issued by the foreign governments or in the event of prohibition for the continuance of the exploitation of the airlines abroad, either in all their extent or in part, or in the event of non issuance of such licenses by one or by all the foreign governments for reasons based on the provision of the bilateral agreements referring to the right of each Government to withhold or to revoke such licenses in the case that it is not satisfied that the substantial ownership and the actual control are in the hands of a citizen of the other State . . .”

2 Argentine.
3 Monte Carlo, Monaco.
4 Article 22 reads as follows: Exploitation License.

1. Immediately after the establishment of the Limited Company referred to in Article 2, it should take necessary action in order to obtain from the Foreign Governments with which the Greek Government has entered into bilateral agreements, the necessary exploitation licenses for the speediest inception of the operation of the airlines abroad, in the event that no such licenses exist. The Government with its competent services will always provide the concessionaire with any necessary help to secure the issue of these licenses as well as to keep them in force in the future, using to this effect all the rights and legal means deriving from the bilateral agreements, since the Limited Company to be established will constitute the only Greek National Company for the exploitation of the air communications.

2. In the event of repeal of the exploitation licenses issued by the foreign governments or in the event of prohibition for the continuance of the exploitation of the airlines abroad, either in all their extent of in part, or in the event of non issuance of such licenses by one or by all the foreign governments for reasons based on the provision of the bilateral agreements referring to the right of each Government to withhold or to revoke such licenses in the case that it is not satisfied that the substantial ownership and the actual control are in the hands of a citizen of the other state, the shareholders up to the completion of 51% of the shares are invited to proceed, within a period of 60 days as from the date of the written notice of the government to the company, to the transfer of the ownership of 51% of these shares and are obliged to proceed to such transfer as provided for in the following paragraph.

3. The transfer will cover the shares from No. 1 to No. 7,650. In an eventual increase of the capital, the transfer will cover the new shares issued at the corresponding percentage from the first number of the new shares up to the serial number completing 51% of the new shares. These shares will be transferred by their owners either to a legal entity of public law or to one of the following banks: National Bank of Greece and Athens, Commercian Bank, Bank of Commercial Credit or to a Charity Institution or to an Institution of Public Benefit or to a Private Individual of the absolute approval of the Government which should be given within 5 days as from the date the request was made.

In the event of a sale of the transferred shares, the value of these may be exported abroad, the Bank of Greece being obliged to grant the corresponding foreign exchange.

4. After the lapse of the 60 day time limit without effect for any reason, the
In the Agreement the party acquiring the privilege of exclusive operation of the Greek airline is described as a Greek subject who is residing in a country other than Greece. Although the Agreement does not make reference to it, it is known, and not disputed, that Greece is not the center of his interests and activities and that he is a national of Argentina by voluntary naturalization.

The bilateral air transport agreements to which Greece is a party provide in substance that each contracting party reserves the right to withhold or revoke a certificate or permit to an airline of the other party in any case where it is not satisfied that the substantial ownership and effective control are vested in nationals of either party to this Agreement.\footnote{\textsuperscript{5}}

The purpose of this clause is to give the contracting States a discretionary right to look into the organization of the designated airline of the other contracting State and to satisfy itself that it is a national concern and that,

\begin{itemize}
  \item Government is entitled by decision of the Ministry of Commerce published in the Government Gazette, to proceed to the reshuffling of the Administrative Board by replacing a certain number of its members, so that the majority be composed of persons appointed by the Minister of Commerce and represent him in exercising their duties as members of the Administrative Board of the Company. These persons will be selected among the governors or directors of the banks, manufacturers and professors of the Polytechnic School. The Administrative Board in its new composition will proceed to the selection of a person or persons who will exercise wholly or partly the rights of the Administrative Board, the term of service of these exercising up to that time these duties being terminated.

5. Within another 60 day period after the lapse of the 60 day period mentioned in para. 2 of this article, the aforesaid shareholders are obliged to carry out at any cost the transfer of shares referred to in paras. 2 and 3 of the same article. After the lapse also of this time limit without effect for any reason, the above shares devolve by ownership upon the State by decision of the Minister of Commerce, published in the Government's Gazette. This decision will be mandatory both for the Limited Company and the shareholders, owners of the said shares, no recourse being allowed against it before the courts or before the arbitration committee of article \textsuperscript{27} of this agreement. These shares will be sold by the State in public auction to persons of exclusively Greek nationality within a period of not longer than 90 days. The nominal value of the shares will be fixed as first offer. In the event that the auction does not take place due to the non appearance of bidders, it will be repeated within a 30 day period, the first offer being fixed at the nominal value reduced by 10\%. Under the same conditions and with successive equivalent reduction each time the auction will be repeated until the sale is effected. The proceeds realized will be deposited with a bank abroad in the name of the shareholders, to whom these shares belong at the time of their transfer to the ownership of the State, in foreign exchange on New York. The Limited Company as well as its shareholders, owners of these shares, waive their right of appeal against the above auction and the right of compensation by the State because of the auction.

6. All the above provisions will be included obligatorily in the by-laws of the Limited Company to be established in accordance with article 2.

\footnote{\textsuperscript{5}} See, for example, Article 6 of the Agreement with the United States, signed March 27, 1946 (15 United Nations Treaty Series 233, 238).

\footnote{\textsuperscript{6}} Substantially similar language is found in the agreements with the United Kingdom (55 U.N. Treaty Series 164, 178) and Syria (78 \textit{ibid.}, 71, 76). The corresponding provisions in the agreements with Denmark (55 \textit{ibid.} 256, 300) and Sweden (94 \textit{ibid.} 75, 78) are also similar but refer to nationals of the other party rather than of either party. In the agreements with The Netherlands (52 \textit{ibid.} 115, 120), Turkey (72 \textit{ibid.} 131, 136), France (76 \textit{ibid.} 61, 72) and Switzerland (94 \textit{ibid.} 217, 228), which have no authoritative English versions, the French words "elle n'a pas la preuve" are believed to have the same meaning as "it is not satisfied," since the two expressions are used as equivalents in the official French and English texts of the 1946 agreements of France with the United Kingdom (27 \textit{ibid.} 173, 178-179) are the United States (U.S. Treaties and Other International Acts Series, No. 1679). Similar provisions are contained also in the other air transport agreements to which Greece is a party.}
in this way, the concession of third, fourth and fifth freedom traffic\(^7\) will be exercised by nationals of contracting States only. Said discretional right enables Contracting States even to ignore fictitious arrangements, eventually made, and to take into consideration all actual elements proper to enlighten them. In this way, a designated airline could not have an assumed nationality.

The control referred to here above was developed in Chicago in the standard form of agreement for provisional air routes\(^8\) but was modified in the various bilateral agreements on several occasions without any substantial change in the principle which was that the State should know with whom they are dealing at all times.

In designing this formula or in later developments there was no reference made to persons who have dual nationality and who may have an interest in corporations operating international services, but it is surmised that dual nationality can afford a good cover for the control of an airline by a person whose allegiance may be different from his visible nationality. It is somewhat confusing for a State to know with whom it is dealing if the State deals with a person of dual nationality. Throughout the period in which the bilateral agreements remain in force the State which is party to one of these agreements with Greece might always ask which of the States is represented by the person in control of the Greek airline.

There are certain technical legal questions which come to mind. First, dual nationality of shareholders of corporations in determining nationality of corporations, may cause a precarious situation because it is generally recognized in international law that a corporation is connected with a particular country. This is in order that different rights and obligations by which it is affected may be assigned to the appropriate system of law.\(^9\)

The elements which connect a corporation to a certain country are three:
1. Incorporation;
2. Control and management;
3. The transaction of business. These elements may produce different legal effects. If all three elements above affect one country only the corporation is obviously a national of that country; but if they are separated in regard to locality some difficulty is bound to arise. For instance, a company, although incorporated in one State, may assume an enemy character, if the persons in \textit{de facto control of its operations} either reside in an enemy country or take their instructions from enemies.\(^10\) It is conceivable, therefore, that the dual citizenship of a person in control of the operations of a designated airline could result in a declaration of enemy character of the designated airline by a third State, which is in conflict with one of the States of which the person in \textit{de facto} control of the operation of the airlines is a national.

\(^7\) The Third Freedom: The privilege to put down passengers, mail and cargo taken on in the territory of the State whose nationality the aircraft possesses;

\textit{The Fourth Freedom}: The privilege to take on passengers, mail and cargo destined for the territory of the State whose nationality the aircraft possesses;

\textit{The Fifth Freedom}: The privilege to take on passengers, mail and cargo destined for the territory of any other contracting State and the privilege to put down passengers, mail and cargo coming from any such territory. (See Proceedings of the International Civil Aviation Conference, Chicago, Illinois, November 1-December 7, 1944: Vol. I, p. 179) The Department of State, U.S.A.

\(^8\) See Final Act, Resolution VIII, \textit{ibid.}, p. 127.

\(^9\) This is, however, not free from difficulties. For instance, Schuster in his book on the Nationality and Domicile of Trading Corporations (The Grotius Society, Vol. VII (1917) holds that: "Strictly speaking, the conceptions of nationality and domicile in their ordinary meaning are not applicable to corporate bodies. Nationality imposes duties which can only be performed by human beings and confers rights which only human beings can enjoy. The elements constituting domicile include an \textit{animus} as well as a factum, and a corporation being an inanimate body is lacking in the first named element." Nevertheless, it is doubtless that a corporation has nationality, domicile and residence in international law.

\(^10\) Cheshire: Private International Law: 2nd Ed. at p. 199.
Dual nationality may have effect on the domicile of the corporation as well. It is recognized in international law that a corporation has only one domicile. No corporation can have two domiciles. The test of domicile in English law was laid down by the Exchequer Division in *Cesena Sulphur Co. v. Nicholson* to be “where the brain which controls the operation of the Company is situated.” If this case is to be followed in the strict sense in other jurisdictions, it is conceivable that the domicile of designated airlines would nevertheless follow the person whose brain controls its operation, therefore even though the Greek airline may be incorporated in Greece, it may be considered to have a domicile outside of Greece, i.e. at the place where its main shareholder or the person actually controlling its operation has his principal place of business.

Furthermore, there is little doubt that a State which may have some dispute with Argentina could proceed against the Greek airline if it considered that it was controlled or owned by a citizen of Argentina. If such a State were to apply the principle to the present arrangement made by Greece, it is not inconceivable that the Greek airline and its assets might be considered either Greek or Argentine by a third State, irrespective of the flag which the aircraft carries. It is well recognized in international law that in case of dual nationality of a person, the State may treat him as a subject of either of the two States to which he owes allegiance.

Some of these questions might not arise in peacetime but they could arise in wartime. Indeed the possibility of corporations having enemy character has been the concern of many countries, particularly in wartime. For example, a corporation came under the jurisdiction of legislation on enemy prop-

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11 *Udny vs. Udny* (1869) *L.R.* 1 Sc. & Div. 441.

12 1876 1 Ex. D. 428.

13 In the Cesena Case the company was incorporated under the Companies Act (though later registered in Italy) for the purpose of taking over and working sulphur mines at Cesena in Italy. The practical business of manufacturing and selling the sulphur was administered by an Italian delegation, including the managing director who was permanently resident at Cesena. No products were ever sent to England, the books of account were kept in Italy, and two-thirds of the shareholders were resident Italians. These facts went to show that the center of business was in Italy. On the other hand, however, the articles of association showed that the objects of the company included the acquisition and working of sulphur mines, not only in Italy, but at any place where sulphur was likely to be found. Again, there was a Board of Directors which met in London and which had sole order, direction and management of the working of the company's mines, the mode of the disposal thereof, and the general business of the company. The shareholders meetings were held in London and it was there that dividends were declared. (Cheshire: *op cit.*, p. 198.)

14 Of the joint stock of the operating company, formed in 1957 in Greece for exploitation of Greek airlines pursuant to the Agreement of 30th July, 1956, the concessionnaire appears as owning personally only 45%, 55% appearing under the ownership of his three sisters. Especially about 54% appear owned by one of said sisters, whose husband, being not a known resident of Greece, is also a national of a Latin American State. However, it is commonly believed that the concessionnaire's brain is the brain solely controlling the airline’s operation. Actually he appears: deciding almost on everything (the number and persons to be members of the Board of Directors and having the management of the airline, inclusive), carrying out negotiations and entering into agreements with the airlines' personnel, with the Greek and other governments, with other airlines, with aircraft manufacturers, etc.

15 There are several cases on this principle mentioned by Oppenheim on “International Law,” 6th Ed., at p. 609.

16 Reference is made to the case on record where a person born in Austria, naturalized in Chile, but not having lost his Austrian nationality, having become a resident in England, was compelled to register in England as an enemy alien at the outbreak of World War I. The danger of this may not be inherent, but in time of war, it certainly is not an exceptional situation. (Oppenheim's International Law: Lauterpacht, Vol. 1 *Peace Ibid.*, p. 608.)
JOURNAL OF AIR LAW AND COMMERCE

erty when it was controlled by enemies, i.e. when it was controlled by individuals or representatives of corporations who themselves were considered enemies. It was the English courts which first applied this concept of "piercing the corporate veil." The control test was then adopted by the Peace Treaties of 1919 and applied by the Mixed Arbitral Tribunals established after the First World War.

World War II revived the problem. It was a known fact that German and other enemy interests were often concealed through affiliations with American or neutral corporations. It was not only by legal ownership of stock that a material influence could be exercised on the management of such corporations, but also by long term loans, options, contractual or personal relationships and a variety of other methods of control. To defeat the widespread use of the corporate structure in concealing enemy interest, the Trading with the Enemy legislation of World War II established the control test by statutory provisions in various countries and determined, to various degrees, the incidence of control. Court decisions were rendered in several States on the basis of newly enacted statutory provisions in determining the enemy character of domestic and neutral corporations.

The control test was also adopted in the Peace Treaties with the Axis Satellite countries (February 10th, 1947) and in Article 33 of the Peace Treaty with Rumania.

There is every possibility that the principles governing the control system heretofore described can be applied to foreign corporations operating airline services even in peace time. The highly competitive aspect of international air transport makes States suspicious regarding commercial rights, particularly if these rights pertain to Fifth Freedom traffic. States could become

17 Daimler Co. Ltd. v. Continental Tyre and Rubber Company (Great Britain) Ltd., 1916, 2 A.C. 307.
19 Domke, Trading with the Enemy in World War II, p. 127 (1943), and The Control of Alien Property, p. 100 (1947).
21 In Clark, Att. Gen. v. Uebersee Finanz-Korporation, A.G. 332 U.S. 480 (December 8, 1947), American Journal of International Law, Vol. 42, p. 470 (1948), dealing with a Swiss corporation alleged to be controlled by German interests, namely those of the family of the auto-industrialist, Fritz Von Opel, the Court said: "The property of all foreign interests placed within reach of the vesting power not to appropriate friendly or neutral assets but to reach enemy interests which masqueraded under those innocent fronts . . . The power of seizure and vesting was extended to all property of any foreign country or national so that no innocent appearing device could become a Trojan horse."
22 It provides in its Annex IV (B2) for the liquidation of property interests in Switzerland possessed by German nationals residing in Germany through organizations under non-German ownership or control. Consequently, the Swiss-American Agreement of November 22, 1946, terms an enemy any corporation situated within any foreign country which is a national of Germany, Japan, Hungary, Rumania or Bulgaria by reason of the interest therein of any government or person specified in this paragraph.
apprehensive lest any right accorded to the other State might be capable of extension to others than those for whom they were originally intended.

This is further supported by a reference to certain general principles of international law, governing the position of third States with respect to a person of dual citizenship. Article 5 of the Convention on certain questions relating to the conflict of nationality laws prepared at The Hague Conference for the Modification of International Law, in 1930, reads as follows: “Within a third State, a person having more than one nationality shall be treated as if he had only one. Without prejudice to the application of its law in matters of personal status and of any conventions in force, a third State shall, of the nationalities which any such person possess, recognize exclusively in its territory either the nationality of the country in which he is habitually and principally resident, or the nationality of the country with which in the circumstances he appears to be in fact most closely connected.”

This article is, in fact, a restatement of the principle of “active” or “effective” nationality reflected in many decisions of international tribunals. Article 5 above has been tested in the Nottebohm Case in which it was held that: “International arbitrators . . . have given their preference to the real and effective nationality, that which accorded with the facts, that based on stronger factual ties between the person concerned and one of the States whose nationality is involved. Different factors are taken into consideration, and their importance will vary from one case to the next: the habitual residence of the individual concerned is an important factor, but there are other factors such as the center of his interests, his family ties, his participation in public life, attachment shown by him for a given country and inculcated in his children, etc.

“Similarly, the courts of third States, when they have before them an individual whom two other States hold to be their national, seek to resolve the conflict by having recourse to international criteria and their prevailing tendency is to prefer the real and effective nationality.

“The same tendency prevails in the writings of publicists and in practice. This notion is inherent in the provisions of Article 3, paragraph 2, of the Statute of the Court. National laws reflect this tendency . . . In the same spirit, Article 5 of the Convention (of 1930) refers to criteria of the individual’s genuine connections for the purpose of resolving questions of dual nationality which arise in third States.” (At pp. 22, 23. Emphasis supplied.)

Accordingly, one might be permitted to make the following conclusions:

1. Where the designated airline is controlled by a person holding dual nationality, the airline may not be considered to be under the effective control of a national of a contracting State.

2. The dual nationality of the persons controlling the airline might create difficulties in private international law in determining the domicile of the corporation and accordingly legal relationships in which domicile is of importance become confusing.

3. Finally, a person with dual nationality in control of a designated airline might prejudice the position of that airline inadvertently with his acts or by the mere fact that he has a nationality other than the nationality of the designated airline.

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24 179 League of Nations Treaty Series 89.
26 Weis, Nationality and Statelessness in International Law (1956), 181.