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## International Civil Aviation Organization (ICAO)

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# INTERNATIONAL

Department Editor: Joan H. Stacy\*

## INTERNATIONAL CIVIL AVIATION ORGANIZATION (ICAO)

### I. GENERAL

**D**EVELOPMENTS during the Sixth Session of ICAO's Council, held in the period January 18-April 1, 1949, emphasized ICAO's role as an organ for international cooperation. During this session preparations were made for the ICAO Conferences on Joint Financing and Operation of Air Navigation Services, which convened in London on April 20, 1949. Twenty-one countries were invited to these conferences to join in cooperative plans for joint financing of the Faroes Station of the Northeast Atlantic Loran Chain and air navigation services in Greenland<sup>1</sup>; Ellinikon Airport, Athens, Greece and other essential Greek air navigation installations where development and maintenance is needed<sup>2</sup>; and the North Atlantic Ocean Stations,<sup>3</sup> which have been operated under an international agreement sponsored by PICAQ in 1946.

Not only did the Council plan during the early months of 1949 to extend the benefits of Chapter XV of the Chicago Convention to Denmark and Greece, through the provision of capital for installation and maintenance of air navigation facilities, but also authorized its President to express the willingness of the Organization to join in a general United Nations plan for rendering expert advisory assistance all over the world. ICAO's President, who was called to discuss such a plan with the U. N. Secretary General on March 18, was able to pledge support by ICAO, within the limits of its staff and budget, through a program which would first consist chiefly of answering and developing technical aviation inquiries from Member States and conducting preliminary on-the-spot investigations. Later, if additional resources were available, technical missions might be sent out by ICAO to supervise solution of problems in air navigation and air transport and give on-the-job training. ICAO also expressed its willingness to cooperate in general transportation and communications surveys. Its Secretary General was directed to prepare recommendations on additions to staff needed by ICAO if it is to give technical assistance and training to the various Member States which may indicate that they require help.

On March 15, there was convened in Washington, D. C. the Aeronautical Radio Committee for ITU Region II Conducted in Collaboration with ICAO. An example of the type of coordination that can be effected between the specialized agencies, this conference, conducted generally under ITU rules and with the chairman of the ITU's International Administrative Radio Conference presiding, had as its secretary a communications expert from the ICAO Secretariat. This ICAO representative was authorized not only to participate in the planning and organization of the meeting but also to make proposals from the floor. Documents prepared by the Third Session of the ICAO Communications Division were used mainly as documentation for this conference, called to determine the frequency requirements for air-ground services of regional operators in the Western Hemisphere.

Since the Council adjourned on April 1, not to be reconvened until May 17, attention was directed during its sixth session to preparations for the

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<sup>1</sup> Conference on Air Navigation Services: Greenland and the Faroes.

<sup>2</sup> Conference on Air Navigation Services: Greece.

<sup>3</sup> 2nd Conference on ICAO North Atlantic Ocean Stations.

Third ICAO Assembly. June 7, 1949 was confirmed by the Council as the opening date for the Assembly. Since this Assembly, in accordance with Resolution A2-2 of the Second Assembly,<sup>4</sup> will be a small and short one limited to administrative and fiscal matters, the Council decided to invite as observers only the U. N. and its specialized agencies. Documentation for items on the Provisional Agenda<sup>5</sup> was approved by the Council for distribution to Member States, including that on the 1950 budget, amendments to the financial regulations, the Staff Provident Fund and Pensions Plan, and action to be taken with financially delinquent Member States.

On March 30, 1949, Finland deposited its instrument of adherence to the Chicago Convention. Finland's membership in ICAO became effective thirty days later, on April 29, 1949.

## II. AIR NAVIGATION MATTERS

The Sixth Session of the ICAO Council saw the change-over from the Air Navigation Committee, as originally established by PICAQ, to the Air Navigation Commission, as provided for in the Chicago Convention. On February 1, 1949 the Council adopted the following resolution:

"The Council Resolves That:

1. An Air Navigation Commission of twelve members be and is hereby established in accordance with the Council Resolution dated October 5th, 1948;
2. The following persons who have been nominated by Contracting States be and are hereby appointed as members of the said Commission:
  - Mr. D. W. J. Binaghi, nominated by Argentina
  - Major J. N. F. Gomes, nominated by Brazil
  - Mr. Stuart Graham, nominated by Canada
  - Mr. Y. C. Wu, nominated by China
  - Col. C. Teyssier, nominated by France
  - Mr. J. van der Heijden, nominated by the Netherlands
  - Mr. A. Hansen, nominated by Sweden
  - Mr. G. J. Warcup, nominated by the United Kingdom
  - Mr. H. Walker Percy, nominated by the United States of America;
3. Mr. D. W. J. Binaghi be and is hereby appointed as Chairman of the Air Navigation Commission;
4. The Air Navigation Committee at its next meeting following the adoption of this resolution by Council should consider and dispose of all necessary business to facilitate the transfer of its functions to the Air Navigation Commission, and thereafter the Air Navigation Commission shall be convened and shall perform its functions in accordance with the directions of Council contained in its Resolution of October 5th, 1948;
5. All Contracting States be informed forthwith that on or after April 5th, 1949, the Council will proceed, having regard to Assembly Resolution A2-8, to fill the three vacancies in the Commission, on the basis of further nominations which may have been received by that date, and that they be further informed that nominees need not be nationals of the nominating State."

Accordingly, the last meeting of the Air Navigation Committee was held on February 4 and the first meeting of the Air Navigation Commission on February 7.

The Commission commenced its substantive work by reviewing the draft Standards and Recommended Practices prepared by the Third Session of the Aerodromes, Air Routes and Ground Aids Division (AGA). An innovation in method of review was the use of written comments by States or Council or Commission Members rather than the making of oral comments from the floor. The Commission also continued the work begun by the

<sup>4</sup> Resolutions and Recommendations of the Second Assembly, ICAO Doc. 5692, A2-P/37, 21/6/48.

<sup>5</sup> ICAO Third Assembly, Provisional Agenda, A3-P/1, 26/1/49.

Committee last fall on the draft annex on Radio Aids to Air Navigation (COT).

Technical annexes to the Chicago Convention on which both the Air Navigation Commission and the Council completed their reviews were those on Airworthiness of Aircraft (AIR) and Aircraft Nationality and Registration Marks (REG). Council action resulted in the establishment of the following pertinent dates for these two sets of Standards and Recommended Practices:

<i>Date adopted by Council</i>	<i>Date by which States to Register Disapproval</i>	<i>Date by which States to Notify Differences</i>	<i>Date for Implementation of Annex</i>
AIR Mar. 1, 1949	August 1, 1949		Sept. 1, 1949
REG Feb. 8, 1949	July 1, 1949	August 1, 1949	Oct. 1, 1949 <sup>6</sup>

On March 22, 1949 the tenth and last in the initial series of ICAO Regional Air Navigation Meetings for all areas of the world was convened in London. This meeting, the African-Ocean RAN Meeting, in addition to the regular technical committees on aerodromes, air routes and ground aids; air traffic control; communications; meteorology; and search and rescue, also had a special committee on allocation of frequencies for regional air services not only in the African-Indian Ocean Region but also in the Middle East Region.

The agenda and directives to the ICAO regional frequency meetings being held this year, *e.g.*, the aforementioned African-Indian Ocean-Middle East Meeting, were developed by the ICAO Communications (COM) Division Meeting (held in Montreal January 11-February 26, 1949) after examination of the plan for the allotment of frequencies in the aero-mobile "R" service formulated by the First Session of the International Administrative Aeronautical Radio Conference (IAARC) held in Geneva in the summer of 1948. Other recommendations made by this Third Session of the COM Division were those on facilities such as the ICAO Standard Instrument Landing System (ILS), the Ground Controlled Approach System (GCA), and the VHF Omni-Directional Radio Range (VOR), and on COM procedures, codes and abbreviations.

The Third Session of the Operations (OPS) Division also held at Montreal, February 8-March 13, 1949, was concerned with the formulation of draft Standards and Recommended Practices for non-scheduled operations and additions and amendments to the existing OPS Annex on scheduled operations; also the development of Standard Instrument Approach Procedures and operating limitations for ICAO transport categories C and D. Consideration of standards for these two categories of transport aircraft was also on the agenda of the Third Session of the Airworthiness (AIR) Division held February 22-March 29, 1949 in Montreal.

The Air Navigation Commission, unlike the Council and the Air Transport Committee, did not recess this spring but continued work through to June 15 in the hope of completing its review of the COM, OPS, and AIR Final Reports. Other Division Meetings' Final Reports of which reviews were completed by the Commission in the early months of 1949 were those of PEL and MAP, the latter having also been approved, with few exceptions, by Council.

Special technical meetings convened by ICAO in the spring of 1949 included the North Atlantic Meteorological Telecommunications Meeting, which opened in London on April 11 to consider MET-COM problems aris-

<sup>6</sup> Implementation date only for aircraft being registered for the first time. January 1, 1951 is implementation date for all other aircraft.

ing in connection with implementation of the recommendations of the Second North Atlantic Regional Air Navigation Meeting held in May 1948. A special meeting on Notices to Airmen (NOTAMS) was held in Montreal beginning April 19 to develop Standards and Recommended Practices for disseminating aeronautical information and to consider the possibility of establishing an international briefing service. The European-Mediterranean Frequency Meeting, which held three meetings in Montreal in January and February was resumed in Paris on April 26.

### III. AIR TRANSPORT MATTERS

An outstanding accomplishment of ICAO was the approval by the Air Transport Committee on February 23, 1949 and the unanimous adoption by the Council on March 25 of the Annex to the Chicago Convention on Facilitation of International Air Transport (FAL). The following schedule was established for action by Member States on the FAL Annex, which establishes Standards and Recommended Practices for simplification of international border-crossing procedures and documents relating to immigration, customs, public health and plant and animal quarantine:

<i>Date by which States to Register Disapproval</i>	<i>Date by which States to Notify Differences</i>	<i>Date for Implementation of Annex</i>
August 1, 1949	December 1, 1949	March 1, 1950

Both Committee and Council also approved the recommendations of the Second Session of the FAL Division, May 1948, other than the Annex.

On April 1, the Council adopted Rules for the Registration with ICAO of Aeronautical Agreements and Arrangements. Two main changes were made in the draft rules by the Air Transport Committee and the Council prior to adoption: (1) ICAO will refrain from registering agreements with the United Nations which come to ICAO from States desiring to register their agreements directly with the United Nations. (The United States has already notified ICAO that it will continue to register directly with U. N. all agreements which require filing with that Organization.) (2) Included among the agreements required to be filed with ICAO under Article 83 of the Chicago Convention will be those between

"a Contracting State and a national (natural person or corporation) of any other State if (they) relate(s) to the ownership or operation of any airline, international air service, aerodrome or air navigation service."

On March 15, the Council adopted a resolution, presented by the Air Transport Committee, defining the scope of the statistical work program which includes:

- Continued study and evolution of the air transport reporting forms
- Development of analytical methods for studying air transport statistics
- Statistics of international non-scheduled air transport
- Total national air transport statistics
- Statistics from non-contracting states
- Statistics on airports and other air navigation facilities
- Production of the monthly statistical summary
- Production of an ICAO year book of statistics
- Study of definitions
- Contacts with authorities in contracting states.

Also, on February 1, the Council had adopted a resolution requesting Contracting States to forward statistical compilations relating to aircraft accidents with a view to ICAO's correlating the study of this data with work on the technical aspects of accidents. These fields of work had all been recommended by the First Session of the Statistics Division, January-February 1948.

The Council, at the end of its sixth session, approved the interim report of the Air Transport Committee on its study of charges for the use of air navigation facilities (Second Assembly Resolution A2-14). The Committee recommended "(1) that a factual questionnaire be submitted to all Contracting States; (2) that Council Members take steps to obtain advice on the policy issues involved, which will be further defined and reported on by the Air Transport Committee; and (3) that the problem be debated by the Air Transport Committee and Council, at a date to be decided in advance, after the factual information has been received and Council Members have had an opportunity to secure any briefing they consider necessary." Australia, Mexico, the United Kingdom and the United States are members of the Committee's working group on this subject.

With regard to international air mail, the Council and the Air Transport Committee decided that ICAO was not prepared to communicate with the Executive and Liaison Commission of the Universal Postal Union (UPU) at its May 16, 1949 meeting on the categorization of air services for the purpose of regulating air mail transportation charges. However, since the Secretariat's paper on the subject was considered to be of some interest and value, it was suggested that Council Members might wish to bring it to the attention of their governments for possible use in connection with the UPU meeting. The Council decided to defer action until its seventh session on the overall question of the role ICAO is to play in the field of international air mail, including collaboration with UPU and IATA.

When the Air Transport Committee reconvenes on May 16,<sup>7</sup> it plans to make the question of registration of aircraft in international ownership and operation a first item of business. Priority will also be given to the further consideration by the Committee of working papers already prepared on the subject of scheduled and non-scheduled air services and Second Assembly Resolutions A2-17, A2-18 and A2-19. Another report is expected from the working group on charges for air navigation facilities; also papers from the Secretariat on burdensome insurance requirements and obligation of Contracting States under Article 21 of the Chicago Convention to supply lists of registered aircraft.

#### IV. LEGAL MATTERS

The Council on January 25, 1949 approved the convening of the Fourth Session of the Legal Committee concurrently with the Third Assembly on June 7, 1949 in Montreal. Four subcommittees will also meet in Montreal beginning June 1, 1949. The Sub-Committee on the Revision of the Warsaw Convention will consider the Beaumont draft report and the answers of ICAO Member States to the questionnaire on the limits of liability in the Convention. The Sub-Committee on the Revision of the Rome Convention and Related Matters will deliberate on replies to the questionnaire on this Convention. The Sub-Committee on Definitions will consider certain definitions in the Warsaw Convention, together with the Subcommittee on that convention. The Sub-Committee on Search, Assistance and Rescue will study the replies from ICAO Member States on the Brussels Convention Relating to Assistance and Salvage of Aircraft or by Aircraft at Sea and related matters. The reports of these four subcommittees will make up the main items of discussion of the Legal Committee, according to the proposed agenda circulated to ICAO Member States.<sup>8</sup>

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<sup>7</sup> The Air Transport Committee adjourned on March 31, 1949 at approximately the same time as the Council.

<sup>8</sup> Legal Committee, Fourth Session, Proposed Agenda, ICAO Doc. 6023, LC/120, 4/2/49.