

# SEQUELS TO THE CHICAGO AVIATION CONFERENCE

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## I. THE CHICAGO AVIATION CONFERENCE PRODUCES SIX IMPORTANT DOCUMENTS

The International Civil Aviation Conference which was held in Chicago from November 1 to December 7, 1944, was called for two basic and closely-related purposes. The first was to work out arrangements whereby international airlines could inaugurate operations as soon as the military situation permitted, thus enabling commercial air transport to assume with the least possible delay its proper functions of providing rapid communication between nations and peoples and of renewing world trade and commerce after the period of stagnation due to World War II. The second purpose was to set up machinery to promote the orderly and healthy development of international civil aviation during the postwar era. With both the immediate and the longer-range problems in view, the Conference, in the course of five weeks of deliberations, produced six important documents prior to its adjournment on December 7, 1944.<sup>1</sup> The success of the Conference is reflected in these documents. Taken together, they trace a rough but encouraging blueprint for world civil aviation.

Five of these documents were drawn up as appendices to the Final Act of the Conference. Appendix I is the Interim Agreement on International Civil Aviation; Appendix II is the Convention on International Civil Aviation; Appendix III is the International Air Services Transit Agreement; Appendix IV is the International Air Transport Agreement; and Appendix V is a set of twelve Draft Technical Annexes, which will ultimately be made a part of the Convention. The sixth doc-

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<sup>1</sup> For text of documents, see DEPT. OF STATE, INTERNATIONAL CIVIL AVIATION CONFERENCE—FINAL ACT AND RELATED DOCUMENTS (Pub. 2282, Conf. Ser. 64, 1945), hereinafter cited as "FINAL ACT." For a day to day summary of the Conference, see UNITED NATIONS INFORMATION ORGANIZATION, REPORT OF THE CHICAGO CONFERENCE ON INTERNATIONAL CIVIL AVIATION (London, 1945), hereinafter cited as "REPORT." For a general discussion of the Conference, see DEPT. OF STATE, BLUEPRINT FOR WORLD CIVIL AVIATION (Pub. 2348, 1945), hereinafter cited as "BLUEPRINT." This BLUEPRINT reprints the following articles: Berle, *Freedoms of the Air* (March, 1945) 190 HARPER'S MAGAZINE 327; Morgan, *The International Civil Aviation Conference at Chicago: What It Means to the Americas* (Jan. 7, 1945) 12 DEPT. OF STATE BULL. 33; Burden, *Opening the Sky: American Proposals at Chicago* (March, 1945) 175 ATLANTIC MONTHLY 50; Warner, *The Chicago Air Conference: Accomplishments and Unfinished Business* (April, 1945) 23 FOREIGN AFFAIRS 406. See also Walstrom, *The Chicago Air Conference* (Dec. 31, 1944) 11 DEPT. OF STATE BULL. 843.

ument, contained in Recommendation VIII of the Final Act,<sup>2</sup> is the Standard Form of Agreement for Provisional Air Routes.

This article will describe each of these documents in their relative order of importance, and will trace their progress during the ten-month period which followed the Conference, from December 8, 1944 to October 1, 1945. It will also make reference, at the appropriate points, to developments growing out of a number of the recommendations and resolutions of the Final Act, apart from the aforementioned Recommendation VIII. Finally, it will review certain other developments during this ten-month period, which may be considered as direct or indirect sequels to the Chicago Conference.

## II. RATIFICATION OF THE CONVENTION PROCEEDS SLOWLY

The most important of the documents drawn up at the Chicago Conference was the International Civil Aviation Convention, which covers the air transport, air navigation and technical phases of aviation, and establishes a basis of common air practice throughout the world.<sup>3</sup> The Convention provides for the establishment of an International Civil Aviation Organization (ICAO) comprising both a Council and an Assembly.<sup>4</sup> All contracting states are represented in the Assembly, while the Council is composed of twenty-one states elected on the basis of their importance in international air transport, or their contribution of air navigation facilities, or their geographical position.

Representatives of fifty-four states attended the Chicago Conference. On December 7, 1944, signatures on behalf of thirty-seven of these states were affixed to the Convention (see Table A, on the next page). As of October 1, 1945, signatures on behalf of twelve other states had been added, for a total of forty-nine. Only Colombia, Ethiopia, Panama, Venezuela and Yugoslavia had not yet signed.

As was anticipated at the Conference, progress on ratification of the Convention has been relatively slow. By October 1, 1945, only the Polish Government-in-Exile had deposited its instrument of ratification with the United States Government, as

<sup>2</sup> FINAL ACT, *supra* note 1, at 40-41. There were 12 recommendations and resolutions in all.

<sup>3</sup> For a specific treatment of the Chicago Convention, see Latchford, *Comparison of the Chicago Aviation Convention with the Paris and Habana Conventions* (1945) 12 DEPT. OF STATE BULL. 411; Colclaser, *The New International Civil Aviation Organization* (1945) 31 VA. L. REV. 457. For a comparison of the Chicago Convention with the Paris and Habana Conventions, article by article, in three-column tabular form, see *Hearings Before the Committee on Foreign Relations (Senate) on Executive A*, 79th Cong., 1st Sess. (1945) 199-252.

<sup>4</sup> It is of interest to note the objectives of the ICAO. They are to:

- (a) Insure the safe and orderly growth of international civil aviation throughout the world;
- (b) Encourage the development of airways, airports, and air-navigation facilities for international civil aviation;
- (c) Encourage the arts of aircraft design and operation for peaceful purposes;
- (d) Meet the needs of the peoples of the world for safe, regular, efficient, and economic air transport;
- (e) Prevent economic waste caused by uneconomic competition;
- (f) Insure that the rights of contracting states are fully respected and that every contracting state has a fair opportunity to operate international airlines;
- (g) Avoid discrimination between contracting states;
- (h) Promote safety of flight in international air navigation; and
- (i) Promote generally the development of all aspects of international civil aeronautics.

STATUS ON DECEMBER 10, 1945, OF CIVIL AVIATION DOCUMENTS CONCLUDED AT CHICAGO,  
DECEMBER 7, 1944

TABLE A: DATES OF SIGNATURES\*

Country	Convention	Interim Agreement	Transit Agreement (Two Freedoms)	Transport Agreement (Five Freedoms)
Afghanistan.....	X	X	X	X
Australia.....	X	X	7/ 4/45	.....
Belgium.....	4/ 9/45	4/ 9/45	4/ 9/45	.....
Bolivia.....	X	X	X	X
Brazil.....	5/29/45	5/29/45	.....	.....
Canada.....	X	X	2/10/45	.....
Chile.....	X	X	X	.....
China.....	X	X	.....	X
Colombia.....	.....	5/24/45	.....	.....
Costa Rica.....	3/10/45	3/10/45	3/10/45	3/10/45
Cuba.....	4/20/45	4/20/45	4/20/45	4/20/45
Czechoslovakia.....	4/18/45	4/18/45	4/18/45	.....
Dominican Republic..	X	X	.....	X
Ecuador.....	X	X	X	X
Egypt.....	X	X	X	.....
El Salvador.....	5/ 9/45	5/ 9/45	5/ 9/45	5/ 9/45
Ethiopia.....	.....	3/22/45	3/22/45	3/22/45
France.....	X	X	X	.....
Greece.....	X	X	X	.....
Guatemala.....	1/30/45	1/30/45	1/30/45	1/30/45
Haiti.....	X	X	X	X
Honduras.....	X	X	X	X
Iceland.....	X	X	4/ 4/45	4/ 4/45
India.....	X	X	X	.....
Iran.....	X	X	X	.....
Iraq.....	X	X	X	.....
Ireland.....	X	X	.....	.....
Lebanon.....	X	X	X	X (c)
Liberia.....	X	X	X	X
Luxembourg.....	7/ 9/45	7/ 9/45	7/ 9/45	.....
Mexico.....	X	X	X	X
Netherlands.....	X	X	X	X (a)
New Zealand.....	X	X	X	.....
Nicaragua.....	X	X	X	X
Norway.....	1/30/45	1/30/45	1/30/45	.....
Panama.....	.....	5/14/45	.....	.....
Paraguay.....	7/27/45	7/27/45	7/27/45	7/27/45
Peru.....	X	X	X	X
Philippine Comm.....	X	X	X	.....
Poland.....	X	X	X	.....
Portugal.....	X	X	.....	.....
Spain.....	X	X	X	.....
Sweden.....	X	X	X	X
Switzerland.....	7/ 6/45	X	7/ 6/45	.....
Syria.....	X	X	7/ 6/45	7/ 6/45 (a)
Turkey.....	X	X	X	X (a)
Union of S. Africa.....	6/ 4/45	6/ 4/45	6/ 4/45	.....
United Kingdom.....	X	X	X (b)	.....
United States.....	X	X	X	X
Uruguay.....	X	X	X	X
Venezuela.....	.....	X (c)	X (c)	X (c)
Yugoslavia.....	.....	.....	.....	.....
Danish Minister.....	X	X	X	X
Thai Minister.....	X	X	X	X

\* X indicates signatures under date of December 7, 1944. (a) Reservation. (b) Reservation excluding Newfoundland withdrawn by United Kingdom 2/7/45. (c) Ad referendum.

TABLE B: DATES OF ACCEPTANCES OF AGREEMENTS AND OF DEPOSITS OF RATIFICATIONS OF CONVENTION

Country	Convention	Interim	Transit	Transport
Afghanistan.....	.....	5/16/45	5/16/45	5/16/45
Australia*.....	.....	5/19/45	8/27/45	.....
Belgium*.....	.....	4/17/45	7/18/45	.....
Bolivia.....	.....	.....	.....	.....
Brazil*.....	.....	5/29/45	.....	.....
Canada*.....	.....	12/30/44	2/10/45	.....
Chile*.....	.....	6/ 4/45	.....	.....
China*.....	.....	6/ 6/45	.....	6/ 6/45 (a)
Colombia*.....	.....	6/ 6/45	.....	.....
Costa Rica.....	.....	.....	.....	.....
Cuba.....	.....	.....	.....	.....
Czechoslovakia*.....	.....	4/18/45	4/18/45	.....
Dominican Republic.....	.....	.....	.....	.....
Ecuador.....	.....	.....	.....	.....
Egypt*.....	.....	4/26/45	.....	.....
El Salvador*.....	.....	5/31/45	5/31/45	5/31/45
Ethiopia.....	.....	3/22/45	3/22/45	3/22/45
France*.....	.....	6/ 5/45	.....	.....
Greece.....	.....	9/21/45	7/ 9/45	.....
Guatemala.....	.....	.....	.....	.....
Haiti.....	.....	6/ 2/45	.....	.....
Honduras.....	.....	11/13/45	.....	.....
Iceland.....	.....	6/ 4/45	11/ 8/45	11/ 8/45
India*.....	.....	5/ 1/45 (b)	5/ 1/45 (b)	.....
Iran.....	.....	.....	.....	.....
Iraq*.....	.....	6/ 4/45	6/14/45	.....
Ireland.....	.....	4/27/45	.....	.....
Lebanon.....	.....	6/ 4/45	.....	.....
Liberia.....	.....	3/17/45	3/17/45	3/17/45
Luxembourg.....	.....	7/ 9/45	.....	.....
Mexico*.....	.....	5/22/45	.....	.....
Netherlands*.....	.....	1/11/45	1/11/45	1/11/45 (c)
New Zealand.....	.....	4/18/45 (b)	4/18/45 (b)	.....
Nicaragua.....	.....	.....	.....	.....
Norway*.....	.....	1/30/45	1/30/45	.....
Panama.....	.....	.....	.....	.....
Paraguay.....	.....	7/27/45	7/27/45	7/27/45
Peru.....	.....	5/ 4/45	.....	.....
Philippine Comm.....	.....	.....	.....	.....
Poland.....	4/ 6/45	4/ 6/45	4/ 6/45	.....
Portugal.....	.....	5/29/45	.....	.....
Spain.....	.....	7/30/45	7/27/45	.....
Sweden.....	.....	7/ 9/45	11/16/45	11/16/45
Switzerland.....	.....	7/ 6/45	7/ 6/45	.....
Syria.....	.....	7/ 6/45	.....	.....
Turkey*.....	.....	6/ 6/45	6/ 6/45	6/ 6/45 (d)
Union of S. Africa.....	.....	11/30/45	11/29/45	.....
United Kingdom*.....	.....	5/31/45 (b)	5/31/45 (b)	.....
United States*.....	.....	2/ 8/45	2/ 8/45 (e)	2/ 8/45 (e)
Uruguay.....	.....	.....	.....	.....
Venezuela.....	.....	.....	.....	.....
Yugoslavia.....	.....	.....	.....	.....
Danish Minister.....	.....	11/13/45	.....	.....
Thai Minister.....	.....	.....	.....	.....

\*Elected to First Interim Council. (a) Provisions of Art. IV, Sec. 3, become operative when Convention is ratified. (b) Reservation: Do not regard Denmark and Thailand (Siam) as being parties. (c) Reservation respecting 5th Freedom, withdrawn 9/21/45. (d) Reservation respecting 5th Freedom. (e) With reservation.

provided in the Convention. However, it is expected that the Convention will have been ratified by the necessary twenty-six states well within the three-year maximum term of the Interim Agreement.

President Roosevelt transmitted the Convention to the United States Senate on March 12, 1945, with a view to receiving its advice and consent to ratification as a treaty. Shortly thereafter, representatives of the State, War, Navy and Commerce Departments, as well as of the Civil Aeronautics Board testified on behalf of the Convention before a Subcommittee of the Senate Committee on Foreign Relations. No adverse testimony on the Convention was taken. No further move had been made by the Subcommittee as of October 1, 1945, except to publish a verbatim account of the Hearings.<sup>5</sup>

### III. THE INTERIM AGREEMENT COMES INTO FORCE IN JUNE, 1945

Because it was anticipated that it would take a substantial period of time for the necessary twenty-six states to ratify or adhere to the Convention, the Interim Agreement on International Civil Aviation was drawn up. It was believed that this could be brought into force at a relatively early date by the simpler legal process of acceptance by the same number of states. This Interim Agreement contains many of the basic provisions of the Convention, but it is more limited in scope and less detailed than the latter document. The Interim Agreement provides for the establishment of a Provisional International Civil Aviation Organization (PICAO) with an Interim Assembly and an Interim Council.

The Interim Agreement was signed on December 7, 1944, by representatives of thirty-nine states (see Table A, above). As of December 10, 1945, signatures on behalf of fourteen more had been affixed, and only the signature of Yugoslavia was missing of all the states represented at the Conference.

It was provided in the Agreement that each government would inform the Government of the United States at the earliest possible date whether signature on its behalf constituted an acceptance of the Agreement by that government and an obligation binding upon it. The Agreement was to come into force upon its acceptance by the twenty-sixth state. It was further provided that each state elected at Chicago to the first Interim Council had to accept the Agreement within six months after December 7, 1944, to retain its Council seat.

By June 6, 1945, all twenty of the council member states had accepted the Interim Agreement,<sup>6</sup> as had ten additional states (see Table B, above). The twenty-sixth acceptance was thus achieved and surpassed, so the Interim Agreement came into force on June 6, and PICAO was activated.

The following twenty council member states thus became members of PICAO: Australia, Belgium, Brazil, Canada, Chile, China, Colombia, Czechoslovakia, Egypt,

<sup>5</sup> See *Hearings, supra* note 3.

<sup>6</sup> Although a twenty-one member Council was provided for by the Interim Agreement, only twenty seats were filled. A vacant seat was left for the Soviet Union, should that state decide later to join the organization.

El Salvador, France, India, Iraq, Mexico, the Netherlands, Norway, Peru, Turkey, the United Kingdom and the United States.<sup>7</sup> The following ten non-council member states also became members of the new organization upon its activation: Afghanistan, Ethiopia, Haiti, Iceland, Ireland, Lebanon, Liberia, New Zealand, Poland and Portugal.

Shortly after June 6, the Canadian Government (acting as host, since Montreal had been chosen as the seat of PICAQ) invited the twenty council member states to designate their Representatives on the Interim Council and to send them to Montreal for the opening sessions, beginning August 15, 1945.

Between June 6 and August 15, 1945, six more states, including Luxembourg, Paraguay, Spain, Sweden, Switzerland and Syria accepted the Interim Agreement, making a total PICAQ membership of thirty-six states. By December 10, 1945, Greece, Honduras, Union of South Africa and Denmark had also joined.

#### IV. THE CHICAGO TECHNICAL ANNEXES ARE IMPROVED UPON

Substantial progress was made during the months following the Conference in revising the Chicago annexes. It will be recalled that Appendix V of the Final Act of the Conference is a set of twelve draft technical annexes, which will ultimately become a part of the Convention, covering such subjects as Communications Procedures & Systems, Rules of the Air, and Aeronautical Maps & Charts.<sup>8</sup> It should be noted that these annexes, even when they are incorporated into the Convention, will not be absolutely binding on the member states. They will be international standards or recommended practices, but deviations will be permitted. It is hoped and expected, however, that these standards and practices will be voluntarily adopted on a world-wide scale. If this is done, international civil aviation will be immensely benefited by the fact that aircraft flying to all parts of the world will comply with the same standards, follow the same procedures, give and recognize the same signals everywhere.

Resolution II of the Final Act of the Conference pointed out that the greatest possible degree of international standardization of practice in many aeronautical matters was important to safe and expeditious air navigation and recalled the progress made in this connection during the Conference. The resolution provided that the twelve technical annexes were to be accepted by the participating states for immediate and continuing study, and that these states should forward to the United States Government by May 1, 1945, any recommendations which they might have for necessary additions, deletions, or amendments. The United States Government,

<sup>7</sup>The United States accepted the agreement as an Executive Agreement, on February 8, 1945. It was the fourth state to accept.

<sup>8</sup>The complete list of draft technical annexes is as follows: (A) Airways Systems; (B) Communications Procedures and Systems; (C) Rules of the Air; (D) Air Traffic Control Practices; (E) Standards Governing the Licensing of Operating and Mechanical Personnel; (F) Log Book Requirements; (G) Airworthiness Requirements for Civil Aircraft Engaged in International Air Navigation; (H) Aircraft Registration and Identification Marks; (I) Meteorological Protection of International Aeronautics; (J) Aeronautical Maps and Charts; (K) Customs Procedures and Manifests; and (L) Search and Rescue, and Investigation of Accidents.

for its part, was to transmit such suggestions to all other participating states (and of course to formulate and circulate its own suggestions). Thus, much groundwork was to be laid for the technical subcommittees of PICAO, which would be charged with the preparation of the annexes in final form for attachment to the Convention.

Within the United States Government, a number of technical working groups were established, on which all interested agencies were represented, to consider amendments to the draft annexes. By the date of the first session of the Interim Council, the United States Government had received recommendations for modification of one or more annexes from seven states and had formulated its own recommendations. Five other states indicated that they would have no changes to suggest. It is likely that there would have been a larger number of comments if the International Commission for Air Navigation<sup>9</sup> had not taken the Chicago texts under consideration in connection with the revision of the annexes to the Paris Convention. Several of the members of that organization, including the United Kingdom and France, accordingly reserved any expression on the Chicago annexes until final conclusions had been reached by the Commission on the Paris Convention Annexes. Although the Commission had taken no final action before the opening sessions of the PICAO Interim Council, it made available to PICAO the conclusions of the CINA Operational Subcommittee upon the further development of the annexes to its own Convention, reached after study of the Chicago proposals. In review, it was found that although many important suggestions were made by various states and the CINA Subcommittee concerning the PICAO draft annexes, in very few cases were they so broad as to require reconsideration of the basic principles of the existing Chicago texts. It was decided that all of the annexes drawn up at Chicago, with the exception of two which required certain secretarial work, were ready for immediate submission to the appropriate technical subcommittees of PICAO. It was also decided that the Chicago annexes dealing with standards of airways organization and operation were the most urgent.<sup>10</sup> Work on these particular annexes, therefore, was subsequently given top priority by PICAO in scheduling the meetings of its technical subcommittees, thus furthering one of the two basic purposes of the Chicago Conference, that of expediting the early inauguration of commercial services.

In addition to the progress made on the draft technical annexes during the months preceding the first sessions of the Interim Council, a considerable amount of PICAO groundwork was done, particularly in the period following June 6, 1945, by a highly competent group known as the Canadian Preparatory Committee. Com-

<sup>9</sup> This organization, commonly referred to as CINA, after its initials in French, was established under Article 34 of the International Convention Relating to the Regulation of Aerial Navigation signed at Paris on October 13, 1919. CINA had a number of functions in the preparation of technical regulations for air navigation comparable to those of ICAO, which will replace CINA when the Chicago Convention comes into force. Unlike ICAO, CINA was not empowered to conduct extensive studies in the economic or air transport field.

<sup>10</sup> These included the draft annexes on Airways Systems, Communications Procedures and Systems, Rules of the Air, Air Traffic Control Practices, and Meteorological Protection of International Aeronautics.

posed of technicians on loan from the Canadian armed services and Government, it handled the physical arrangements for the opening sessions of the Council, as well as preparing and documenting a broad twenty-nine item agenda for the sessions.

#### V. THE INTERIM COUNCIL OF PICAO MEETS IN AUGUST

After several days of preliminary informal discussions, Representatives of nineteen of the twenty council member states opened the first session of the Interim Council in Montreal on August 15, 1945. Mexico was the only member state not represented. The calibre of the men designated as Representatives augured well for the Council's success.<sup>11</sup>

The Council held nine meetings. After election of officers<sup>12</sup> and other organizational steps, the Council divided its membership into three *ad hoc* committees to consider, respectively, the general agenda topics relating to Organization, Personnel, and Finance. Later, a fourth committee, on Procedure, was appointed, to formulate a plan for constituting the three main Committees of the Council provided for in the Interim Agreement, as well as establishing subcommittees thereof, and scheduling near-future meetings. The proposals of these four *ad hoc* committees were discussed and adopted, with amendments, at subsequent meetings of the Council.

A simplified organization chart of PICAQ is shown below (see Figure A, next page). The main divisions of the organization are the Interim Assembly, the Interim Council and its three main committees, the President's office and the Secretariat. Each member state of PICAQ, whether or not a council member, is entitled to representation on all committees and subcommittees of the Council. The Secretariat is to be recruited on an international basis.

The main duties of the Assembly<sup>13</sup> are to approve PICAQ's budget and financial arrangements, to refer specific matters to the Council for its consideration and report, to take appropriate action upon the reports of the Council, and to decide upon matters referred to it by the Council.

The chief functions of the Council,<sup>14</sup> in addition to submitting budget estimates to the Assembly, carrying out the Assembly's directives, and exercising powers which the Assembly may delegate to it, are to:

- "1. Maintain liaison with the member States of the (PICAQ) Organization, calling upon them for such pertinent data and information as may be required in giving consideration to recommendations made by them.
- "2. Receive, register, and hold open to inspection by member States all existing contracts and agreements relating to routes, services, landing rights, airport facilities, or other

<sup>11</sup> The United States representative was Dr. Edward P. Warner, then Vice-Chairman of the Civil Aeronautics Board.

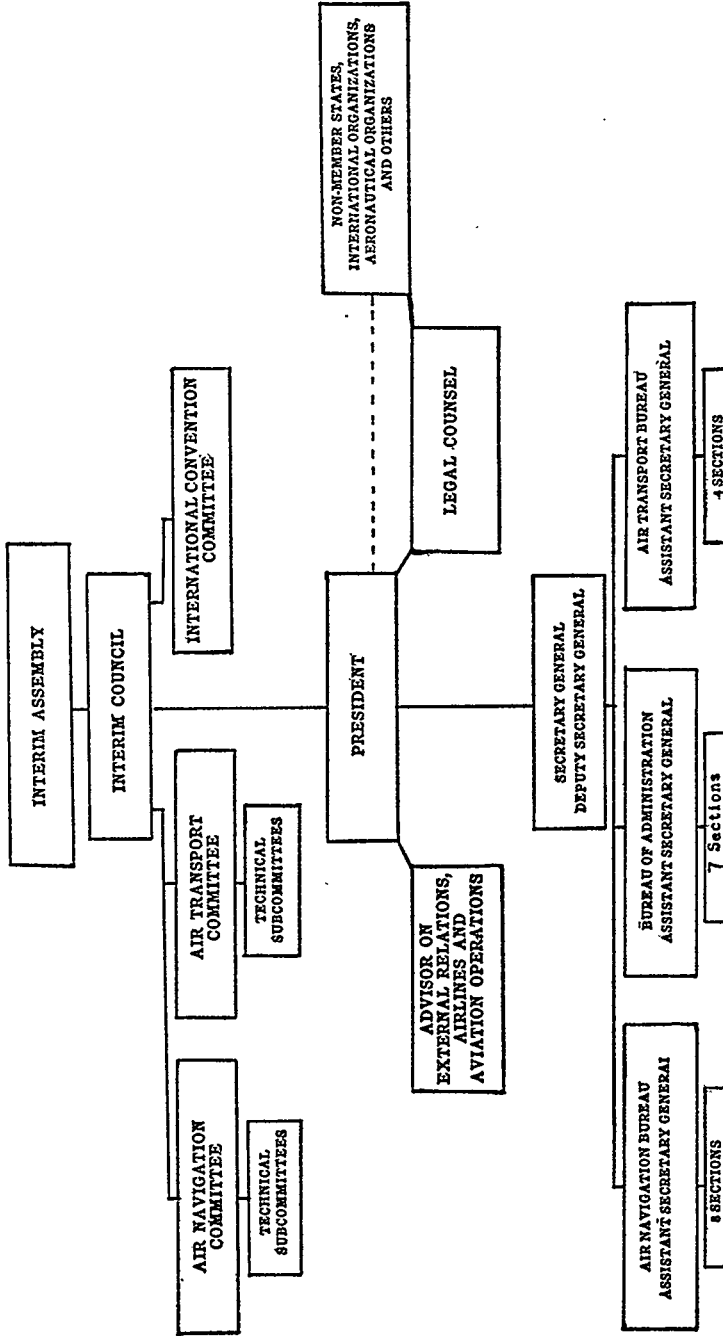
<sup>12</sup> Dr. Edward P. Warner, *supra* note 11, was elected President, and Mr. Gerald Brophy, a prominent aviation attorney, succeeded him as United States Representative. Dr. Albert Roper of France was elected Secretary-General of PICAQ.

<sup>13</sup> The Assembly's powers and duties are set forth in Art. 2, Sec. 2 of the Interim Agreement, FINAL ACT *supra* note 1, at 45; PICAQ, DOCUMENT 64.

<sup>14</sup> Set forth in Art. III, Secs. 5 and 6 of the Interim Agreement, FINAL ACT *supra* note 1 at 47-49; PICAQ, DOCUMENT 64.



FIGURE A. SIMPLIFIED ORGANIZATION CHART OF THE PROVISIONAL INTERNATIONAL CIVIL AVIATION ORGANIZATION



international air matters to which any member State or any airline of a member State is a party.

- “3. Supervise and coordinate the work of:
  - a. The Committee on Air Transport
  - b. The Committee on Air Navigation.
  - c. The Committee on International Convention on Civil Aviation.
- “4. Receive and consider the reports of the committees and working groups.
- “5. Transmit to each member State the reports of these committees and working groups and the findings of the Council thereon.
- “6. Make recommendations with respect to technical matters to the member States of the Assembly individually or collectively.
- “7. Submit an annual report to the Assembly.
- “8. When expressly requested by all the parties concerned, act as an arbitral body on any differences arising among member States relating to international civil aviation matters which may be submitted to it. The Council may render an advisory report or if the parties concerned so expressly decide, they may obligate themselves in advance to accept the decision of the Council. The procedure to govern the arbitral proceedings shall be determined in agreement between the Council and all the interested parties.
- “9. On direction of the Assembly, convene another conference on international civil aviation; or at such time as the Convention is ratified, convene the first Assembly under the Convention.”

The leading functions of the Committee on Air Transport<sup>15</sup> are to:

- “a. Observe, correlate, and continuously report upon the facts concerning the origin and volume of international air traffic and the relation of such traffic, or the demand therefor, to the facilities actually provided.
- “b. Request, collect, analyze and report on information with respect to subsidies, tariffs, and costs of operation.
- “c. Study any matters affecting the organization and operation of international air services, including the international ownership and operation of international trunk lines.
- “d. Study and report with recommendations to the Assembly as soon as practicable on the matters on which it has not been possible to reach agreement among the nations represented at the International Civil Aviation Conference, convened in Chicago, November 1, 1944, in particular the matters comprehended within the headings of Articles II, X, XI, and XII of Conference Document 422, together with Conference Documents 384, 385, 400, 407, and 429, and all other documentation relating thereto.”

The chief functions of the Committee on Air Navigation<sup>16</sup> are to:

- “a. Study, interpret and advise on standards and procedures with respect to communications systems and air navigation aids, including ground marks; rules of the air and air traffic control practices; standards governing the licensing of operating and mechanical personnel; airworthiness of aircraft; registration and identification of aircraft; meteorological protection of international aeronautics; log books and manifests; aeronautical maps and charts; airports; customs, immigration, and quarantine procedure; accident investigation, including search and salvage; and the further

<sup>15</sup> *Ibid.*

<sup>16</sup> *Ibid.*

unification of numbering and systems of dimensioning and specification of dimensions used in connection with international air navigation.

- "b. Recommend the adoption, and take all possible steps to secure the application, of minimum requirements and standard procedures with respect to the subjects in the preceding paragraph.
- "c. Continue the preparation of technical documents, in accordance with the recommendations of the International Civil Aviation Conference approved at Chicago on December 7, 1944, and with the resulting suggestions of the member States, for attachment to the Convention on International Civil Aviation, signed at Chicago on December 7, 1944."

The functions of the Committee on International Convention on Civil Aviation<sup>17</sup> are "to continue the study of an international convention on civil aviation."

The President,<sup>18</sup> in addition to the usual duties of such an office, has special responsibilities as an arbitrator of disputes arising among the member states under the Interim Agreement. He is also responsible for the relationship of PICA O to the member states, non-member states, and other international and aeronautical organizations. To assist him in the discharge of these latter responsibilities is the primary function of his Advisor on External Relations, Airlines and Aviation Operations; this official also directs PICA O's press and public relations program. On all legal problems of drafting, interpretation, etc., the President is advised by his Legal Counsel.

The Secretary-General is the chief executive and administrative official, responsible to the President as the representative of the Council. He supervises and directs the work of the Secretariat.<sup>19</sup>

The Secretariat is divided into the Air Navigation Bureau,<sup>20</sup> the Air Transport Bureau<sup>21</sup> and the Bureau of Administration.<sup>22</sup> The first two bureaux are set up largely to service the Air Navigation and Air Transport Committees of the Council, respectively, and their subcommittees, studying and making recommendations on matters in their respective fields. The Bureau of Administration will service the entire PICA O organization on such matters as personnel, office services, publications, and library facilities.

The Council adopted a Schedule of Personnel by Grade and Organizational Unit,<sup>23</sup> which provided for 155 positions, of which 35 are classified as senior personnel, 40 as other key personnel, and 80 as clerks and stenographers. It also

<sup>17</sup> *Ibid.*

<sup>18</sup> See Interim Agreement, Art III, Sec. 3, *op. cit. supra* note 14.

<sup>19</sup> See PICA O, DOCUMENT 64, for further detail on functions of the President, his two advisors and the Secretary-General.

<sup>20</sup> This bureau is divided into the following eight sections: Airworthiness, Personnel Licensing, Landing Areas & Ground Aids, Rules of the Air & Air Traffic Control, Communications, Meteorological, Aeronautical Maps & Charts, and Search and Rescue & Accident Investigation. For detailed functions of each, see PICA O, DOCUMENT 42.

<sup>21</sup> This bureau is divided into the following four sections: Operational Studies, Economic Studies, Statistical Studies, and Legal Studies. For functions, see PICA O, DOCUMENT 44.

<sup>22</sup> This bureau is divided into the following seven sections: Organization & Finance, Staff, Library, Publications and Documents, Conference, Office Services and Registry. For functions, see PICA O, DOCUMENT 43.

<sup>23</sup> See PICA O, DOCUMENT 65, approved at the eighth Council meeting, August 29, 1945.

adopted Staff Regulations, Travel Regulations, a Salary Scale in Canadian Dollars, a Budget for the Period June 6, 1945-July 1, 1946, a Scale of Advances and Amounts of Advances Applied to the Budget, and a set of Financial Regulations for the Council.<sup>24</sup> The proposed budget totals \$997,180 (Canadian). The scale of advances is on the basis of 251 units, allocated between 36 member states. Thirty units apiece are prescribed for the United States and the United Kingdom, or \$119,160 (Canadian) each. Fifteen units each are prescribed for Canada, China, and France, with 10 each for Australia, Brazil, India, and the Netherlands. Seven other countries are given 8 units apiece; 3 countries, 5 units; 9 countries, 3 units; and 8 countries, a single unit each. Rules of Procedure for the Interim Council were adopted, as well as Rules of Procedure for the Committees and Subcommittees of the Council.<sup>25</sup>

The Council decided to schedule the first meetings of the Air Navigation Committee and the Air Transport Committee on October 2 and 3, 1945, respectively. It also scheduled the first meetings of eight technical subcommittees of the Air Navigation Committee during the months of October and November.<sup>26</sup> It was agreed that a temporary Secretariat would be established, pending the recruitment of a permanent Secretariat, by borrowing personnel from the member states.

The Council considered items 16 to 29 of the Canadian Preparatory Committee Agenda, and referred seven of the items to the Air Navigation Committee and six to the Air Transport Committee, to form the basis of an agenda for their opening meetings.

The following items were referred to the Air Navigation Committee:

- (1) Problems of airways organization, and promotion of uniformity of air navigation facilities, universal provision of landing areas, meteorological organization, communication and air traffic control at least to some minimum standards.
- (2) Plans for compilation of lists of airports and air navigation facilities available for use in international air navigation.
- (3) Development of a general publication policy for PICAQ.
- (4) Planning of other special studies in air transport, including those relating to the organization and operation of international air services.
- (5) Consideration of need for regional organizations within the framework of PICAQ to deal with problems peculiar to particular areas.
- (6) Preparation of studies on unification of numbers and systems of dimension in international air navigation.
- (7) Consideration of the degree and nature of the assistance to be rendered by PICAQ to the member states under the provisions of Article XI of the Interim Agreement.<sup>27</sup>

<sup>24</sup> See PICAQ, DOCUMENTS 66, 67, 72, 68, 69 and 70 respectively, all approved at the eighth Council meeting.

<sup>25</sup> See PICAQ, DOCUMENTS 85 and 84, respectively, approved at the ninth Council meeting, on August 30, 1945.

<sup>26</sup> These meetings were scheduled as follows: Airways Systems, Landing Areas and Ground Aids—October 8; Meteorological—October 11; Rules of the Air & Air Traffic Control—October 15; Communications—October 18; Personnel Licensing—November 5; Airline Operating Practises—November 7; Aeronautical Maps & Charts—November 12; Search and Rescue & Accident Investigation—November 14.

<sup>27</sup> Under this Article, where a member state desires assistance in the provision of airports or air navigation facilities in its territory, the Council may make arrangements for such assistance under certain conditions.

These items were referred to the Air Transport Committee:

- (1) Consideration of the procedure to be adopted by the Council for handling of—
  - (a) arbitral proceedings; or
  - (b) complaints of excessive airport charges; or
  - (c) complaints of "action causing injustice or hardship" under the Transit Agreement or the Transport Agreement.
- (2) Resumption of studies on the development of a multilateral agreement relating to commercial rights in international air transportation.<sup>28</sup>
- (3) Same as No. 3 under Air Navigation Committee.
- (4) Same as No. 4 under Air Navigation Committee.
- (5) Same as No. 5 under Air Navigation Committee.
- (6) Consideration of relations with CINA,<sup>29</sup> CITEJA,<sup>30</sup> and other international organizations.

Finally, the Council passed resolutions granting legal capacity to the Secretary-General, authorizing him to conduct banking transactions, to acquire and occupy premises, to appoint an auditor, and to publish a PICAQ Journal. Then the Interim Council of PICAQ, the first functional organization of the United Nations to get under way, ended its initial series of meetings on August 30, to reconvene on October 15, 1945. Although no definite date was set for the initial session of the Assembly, it was expected to be held early in 1946, at which time it would pass upon recommendations formulated up to that time by the Council, as well as upon the budget of PICAQ. It may be noted in passing that the Interim Council will remain in substantially continuous session, with occasional recesses, whereas the Assembly will meet only annually.

#### VI. THE "TWO FREEDOMS" AGREEMENT IS WIDELY ACCEPTED

There is no provision in either the permanent Convention or the Interim Agreement for a multilateral grant of commercial transit or traffic rights for scheduled airlines, because of the inability of the Chicago Conference to reach agreement as to the terms of such a grant. Instead, two separate and optional documents were drawn up.

<sup>28</sup> Resolution X of the Final Act of the Chicago Conference provided that the matters on which it had not been possible to reach agreement at Chicago should be referred to the Interim Council, with instructions to give these matters continuing study and to submit a report thereon to the Assembly as soon as practicable. These were the so-called "disputed articles," the most contentious point therein being the terms upon which full "Five Freedoms" rights should be granted on a multilateral basis.

<sup>29</sup> See *supra* note 9, p. 615.

<sup>30</sup> The International Technical Committee of Aerial Legal Experts, known as CITEJA, after its initials in French, was an outgrowth of the First International Conference of Private Air Law held in Paris in 1925. It has made considerable progress in the development of a code of private international air law through the preparation of draft international conventions for final adoption at periodic international conferences on private air law. Resolution VII of the Final Act of the Chicago Conference urged the completion of pending CITEJA projects and the initiation of new studies in the field of private law. It suggested the early resumption of CITEJA meetings and coordination of CITEJA's efforts with those of PICAQ (and ICAO). For further information on CITEJA, see three articles by Stephen Latchford: *Private International Air Law* (Jan. 7, 1945) 12 DEPT. OF STATE BULL. 11; *Coordination of CITEJA with the New International Civil Aviation Organizations* (Feb. 25, 1945) 12 DEPT. OF STATE BULL. 310; *The Growth of Private International Air Law* (1945) 13 GEO. WASH. L. REV. 276.

Under the terms of the first of these documents, the International Air Services Transit Agreement (familarly known as the "Two Freedoms" Agreement), each nation accepting the Agreement grants to the others accepting it the following rights with respect to scheduled international air services:

- (1) The privilege to fly across its territory without landing, and
- (2) The privilege to land for non-traffic purposes (refueling, repairs, etc.).

The "Two Freedoms" Agreement was signed on December 7, 1944, by the representatives of thirty states (see Table A, above). As of December 10, 1945, the signatures of sixteen more had been affixed, making a total of forty-six states out of the fifty-four attending the Conference. The Agreement provided that any state a member of ICAO (or PICAO) might accept the Agreement as a binding obligation, by notification of its acceptance to the Government of the United States, and that such acceptance should become effective upon the date of the receipt of such notification. The Agreement was to come into force as between contracting states upon its acceptance by each of them. Thereafter, it was to become binding as to each other state indicating its acceptance to the Government of the United States on the date of the receipt of the acceptance by that Government. The United States was to inform all signatory and accepting states of the date of all acceptances of the Agreement and of the date on which it came into force for each accepting state. The presence in the Agreement of the qualifying words "a member of ICAO (or PICAO)" led to the view on the part of some authorities that the Agreement did not actually come into force as between accepting states until the Interim Agreement had come into force and the states in question had thus become members of PICAO.<sup>31</sup> This is now an academic question, inasmuch as the Interim Agreement came into force on June 6, 1945.

As of December 10, 1945, the Agreement had been accepted by twenty-four of the forty-six signatory states (see Table B, above). This is quite encouraging when it is considered that these twenty-four include such states important to international civil aviation as three of the great colonial powers: the United Kingdom, the Netherlands and Belgium; and twenty-one other strategically located countries: the United States, Canada, Spain, Norway, Sweden, Poland, Czechoslovakia, Switzerland, Greece, Turkey, Liberia, Union of South Africa, Ethiopia, Iraq, Afghanistan, India, Australia, New Zealand, El Salvador, Honduras and Paraguay. In summary, a large portion of the world's air is now open on a multilateral basis for the first time to international civil airlines for the purpose of transit and technical stop. This represents a real advance over the situation which obtained prior to the Chicago Conference. Looking to the future, there are grounds for optimism, since more and more states are showing signs of willingness to accept the "Two Freedoms" Agreement. If the wide acceptance of this Agreement continues apace, a multilateral grant of the "Two Freedoms" Agreement may ultimately be written into the permanent Convention.

<sup>31</sup> The same provisions as to acceptances and coming into force obtain for the "Five Freedoms" Agreement discussed in the next main heading, *infra*.

## VII. ACCEPTANCE OF THE "FIVE FREEDOMS" AGREEMENT IS LIMITED

The second of the optional documents, the International Air Transport Agreement (known as the "Five Freedoms" Agreement) consists of a mutual interchange of not only the aforementioned privileges of transit and non-traffic stop but also the following three traffic privileges:

- (3) The privilege to put down passengers, mail and cargo taken on in the territory of the state whose nationality the aircraft possesses.
- (4) The privilege to take on passengers, mail and cargo destined for the territory of the state whose nationality the aircraft possesses, and
- (5) 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 state.

The "Fifth Freedom," the right of a through international airline to carry country-to-country traffic along its route, beginning with the first country it touches after leaving its homeland, was the most contentious point of the Chicago Conference.

First, agreement was lacking as to whether to include the "Fifth Freedom" in a multilateral grant of commercial rights in the Convention. The United States favored its inclusion, reasoning that unless intermediate traffic were available to fill the empty seats left by debarking passengers, an airliner on a long international route would approach its terminus with a steadily decreasing number of full seats. Under such conditions, economic operations would not be possible. The United Kingdom first opposed the inclusion of the "Fifth Freedom" arguing that local and regional airlines would lose much country-to-country traffic to the large international through airlines.

Later, when the United Kingdom tentatively agreed to include it in the Convention, its Delegation could not agree with the United States' position that, if schedule frequencies were to be controlled by international agreement, "Fifth Freedom" traffic should be counted in determining at what point an airline should be permitted to increase its schedules over a given international route. Hence, the two separate and optional documents were drawn up.

The "Five Freedoms" Agreement was signed at the conclusion of the Chicago Conference by representatives of twenty states (see Table A, above). As of October 1, 1945, signatures on behalf of eight more had been affixed. If these twenty-eight signatory states had followed up their signatures with acceptances of the Agreement, international airlines would enjoy in a very large block of the world's air not only the rights of transit and technical stop but also the more important three commercial rights included in the third, fourth and fifth freedoms. As of October 1, 1945, however, only nine of the twenty-eight signatory states had accepted the "Five Freedoms" Agreement as a binding obligation. Although these nine countries include such strategic ones as the United States, the Netherlands, Turkey, Liberia, Ethiopia, Afghanistan, China, El Salvador and Paraguay, it is clear that many bi-

lateral air transport agreements will still be needed to supplement the "Five Freedoms" Agreement before international air lines can inaugurate economically-sound long-distance services.

#### VIII. NEW BILATERAL AGREEMENTS FOLLOW THE CHICAGO STANDARD FORM

Resolution VIII of the Final Act of the Chicago Conference recommended a "Form of Standard Agreement for Provisional Air Routes," which it was hoped would be followed in concluding future bilateral agreements. Such a form was drawn up in recognition of the fact that certain countries which would not feel able in the near future to grant air rights on a multilateral basis by acceptance of the Transit or Transport Agreements, would nevertheless desire to enter into some bilateral air transport agreements in order to get their international airlines into operation. The standard form of agreement does away with the practices of exclusivity and discrimination against third-party-nations which have been characteristic of some past bilateral agreements. Deviations of wording from the standard form are of course to be permitted, but it is believed that if the basic principles of the form are incorporated into future bilateral agreements, considerable progress will have been made in clearing the path for a multilateral grant of commercial air freedoms on a world-wide scale.

The United States had concluded, as of December 10, 1945, bilateral air transport agreements with eight countries which in general follow the Chicago standard form. The countries and the effective dates of the agreements are as follows:

Spain—December 2, 1944	Ireland—February 17, 1945
Denmark—January 1, 1945	Switzerland—August 3, 1945
Sweden—January 1, 1945	Norway—October 15, 1945
Iceland—February 1, 1945	Portugal—December 6, 1945

In each of these agreements, full and unlimited "Five Freedoms" rights were exchanged.<sup>32</sup>

A bilateral agreement was also concluded with Canada, effective on February 17, 1945, which did not follow the Chicago form, due to the peculiar conditions existing between the United States and Canada, as contiguous countries. In this agreement, "Four Freedoms" rights were exchanged.<sup>33</sup>

#### IX. THERE HAVE BEEN OTHER SEQUELS TO THE CHICAGO CONFERENCE

In addition to developments growing out of the six documents of the Chicago Conference, i.e., the Convention, Interim Agreement, Technical Annexes, Transit Agreement, Transport Agreement and the Standard Form of Route Agreement,

<sup>32</sup> For the text of these agreements see DEPT. OF STATE, EXECUTIVE AGREEMENT SERIES No. 432 (with Spain, 1945); *id.* No. 431 (with Sweden, 1945); *id.* No. 430 (with Denmark, 1945). For agreements with the other countries see Dept. of State, Press Release No. 75 (with Iceland, Jan. 30, 1945); *id.* No. 84 (with Ireland, Feb. 3, 1945); *id.* No. 587 (with Switzerland, Aug. 4, 1945); *id.* No. 736 (with Norway, Oct. 6, 1945); *id.* No. 920 (with Portugal, Dec. 7, 1945).

<sup>33</sup> For text, see DEPT. OF STATE, EXECUTIVE AGREEMENT SERIES No. 457 (1945).



there have been a number of other interesting and important developments which may also be described, to a greater or lesser degree, as sequels to the Conference. Some of them may be considered more as sequels in time than in effect. The Conference necessarily influenced all of these developments to a certain degree. One of these, the organization of the International Air Transport Association (IATA) has been on the non-governmental level, the remainder on the governmental level.

A logical sequel to the organization of such an inter-governmental body as PICAQ was the establishment of a world-wide association of airline operators to handle problems such as rates, ticketing, and advertising with which PICAQ does not plan to deal, and to cooperate with PICAQ in a number of other phases of international air transport. The International Air Transport Association was formally organized on April 19, 1945, at a three-day operators' conference in Habana. Preliminary meetings had been held in Washington shortly after the Chicago Conference. Representatives of 41 international airlines from 25 nations signed the articles of organization. As of October 1, 1945, the membership had grown to some 60 airlines. The Association, like PICAQ, has its seat in Montreal, and scheduled its first general meeting for October 15, 1945. IATA has a nine-man Executive Committee headed by Mr. John Cooper of Pan American Airways.<sup>34</sup> The Committee held its first meeting in Paris from July 30 to August 2, 1945. The presidency of the association, an honorary position, is held by Mr. H. J. Symington, of Trans-Canada Airlines. Prior to the October 15th general meeting, IATA was expected to absorb a predecessor organization with the same initials, the International Air Traffic Association. The older IATA, which functioned from 1919 to 1939 had its headquarters at The Hague, and was primarily a European organization, whereas the new IATA is world-wide.

On the governmental level, the United Kingdom, perhaps as a result of its failure to achieve the adoption of certain of its views at the Chicago Conference, sponsored the establishment of a Commonwealth Air Transport Council, shortly after the conclusion of that Conference. The Council, which is of a consultative character, will discuss matters affecting civil aviation of common concern to the units of the British Commonwealth. It will have a permanent Secretariat, and will meet as required in different parts of the Commonwealth. All members of the British Commonwealth are represented on the Council.<sup>35</sup> A general meeting of the Council was held in London during July, 1945, to discuss the pooling of revenues, expenses, and aircraft on parallel routes throughout the Empire operated by British and Dominion companies. Agreement along these lines was worked out between the United Kingdom and the Union of South Africa, India, Australia, and New Zealand. Canada, however, declined to pool operations and revenues on a 50-50 basis, on routes between

<sup>34</sup> Mr. Cooper addressed the Interim Council of PICAQ at its seventh meeting, on August 28, 1945. He promised PICAQ the full cooperation and assistance of IATA.

<sup>35</sup> The Council has set up three conference committees. The first deals with pooling of research and information on airfield lay-out and flying conditions; the second, with selection of routes, pooling of revenues, postal arrangements, and the type of aircraft to be used; and the third, with such technical details as radio and navigational facilities.

that country and the United Kingdom, believing that the traffic potential on the North Atlantic was sufficient to allow the economic operation of parallel airlines by itself and the United Kingdom, without the necessity of a pooling arrangement. Similarly, no pooling agreement was reached on a trans-Pacific route connecting Canada and Australia. The establishment of the Commonwealth Air Transport Council has been viewed in some quarters as an attempt, on the one hand, to create a solid British front on international civil aviation, and, on the other hand, to prove, through actual operating experience, that such pooling arrangements as have been concluded do not discourage enterprise, fail to reward the efficient operator, or hamper development and expansion.

A more indirect sequel to the Conference was the third Commonwealth and Empire Radio for Civil Aviation Conference (CERCA), held in London from August 7 to August 20, 1945. Prior conferences had been held in London in February, 1944, and in Ottawa in November, 1944. Delegates from the United Kingdom, Canada, Australia, and New Zealand, attended the Conference; and both the United States and the U. S. S. R. sent observers. Technical annexes of the Chicago Conference were used as a basis for discussions, particularly Annex A on Airways Systems, Annex B on Communications Procedures, and Annex D on Air Traffic Control Practices. The leading result of the Conference was the British decision to standardize on the use of presently-developed equipment for communications, air navigation and traffic control. This decision is in accord with United States practice, and the British designated for use specific types of equipment which are currently in use in this country. CERCA decided to keep in close touch with both PICAQ and CINA.

Another sequel to the Chicago Conference, again on the governmental level, was the meeting of the International Commission for Air Navigation (CINA),<sup>30</sup> which was held in London from August 21 to 25, 1945. It was the first general meeting of the organization since 1939, and was attended by 20 of its 35 member states. The chief purpose was to bring CINA's technical annexes into conformity as far as possible with the draft annexes adopted at the Chicago Conference. Prior to the August meeting, a CINA Operating Subcommittee had prepared comments and recommendations on the Chicago draft annexes, which were considered almost simultaneously by the meeting in London and the PICAQ Council meeting in Montreal.

A further sequel to the Chicago Conference was the Third Inter-American Radio Conference, held in Rio de Janeiro from September 3 to 27, 1945. Although the official reports on the decisions of this Conference were not available at the time that this article was written, it was known that the Conference planned to discuss certain intricate issues of coordination between the broad international field of telecommunications and that of aviation. In the absence, in the past, of an international aviation organization having the adherence of a substantial number of countries in

<sup>30</sup> See *supra* note 9, p. 615.

the western hemisphere, the Inter-American telecommunications conventions and regulations have contained many provisions governing aviation communications and navigational aids. It was expected that the Rio Conference would officially recognize the existence of PICAO, and turn over to that organization such parts of the regulations on aviation communications and aids as the latter could more efficiently handle, subject to such conditions as would prevent any unreasonable interference with other users of telecommunications.

Finally, there have been two important developments in the ten months since the Chicago Air Conference which, although not direct outgrowths of the Conference, have nevertheless had an important effect upon the manner in which international civil aviation operations will be carried on by the United Kingdom and the United States respectively, two of the principal participants in the Chicago Conference.

The first of these was the British White Paper of March 13, 1945.<sup>37</sup> This document outlined a plan whereby all British domestic and international civil aviation would be operated by three companies. The first company, the Government-owned British Overseas Airways Corporation (BOAC) would operate the Commonwealth routes (to India, Australia, and South Africa) as well as the trans-Atlantic services to the United States and Canada, and services to China and the Far East. It may be noted that, since 1940, BOAC has been Great Britain's "chosen instrument," i.e., her sole international airline. The second company, a new organization to be formed with participation by the British railway companies, the so-called "short sea" shipping lines, travel agencies, BOAC and pre-war independent airline operators, would be given the right to operate all internal air services in the United Kingdom as well as all routes from the United Kingdom to European points. The third company, also a new organization, to be owned by five British shipping lines as well as BOAC, would operate the services from the United Kingdom to South America. Thus, operations would be under a "zone" system, with no competition between the three companies. This White Paper has been severely criticized in some quarters in Great Britain, notably by pre-war independent operators, certain prospective new operators, and the aeronautical press. As of October 1, 1945, it had not yet been accepted as the basis for future British policy, and the Labour Party victory had not as yet clarified the situation.

The second development, by way of contrast, was the decision of the United States to enter the post-war international aviation field with a policy of "regulated competition," and with three American-flag airlines already certificated to fly routes across the North Atlantic. On July 5, 1945, the U. S. Civil Aeronautics Board, stating that the public interest required the operation of more than one American international air carrier, granted American Export Airlines, Pan American Airways, and Transcontinental & Western Air permission to fly trans-Atlantic routes; the services

<sup>37</sup> For text, see SEN. DOC. No. 29, 79th Cong., 1st Sess. ("Development of British Civil Air Transport," 1945).

of the first company are to extend eastward to Moscow, while the other two companies are to terminate their services in India.<sup>38</sup> It is expected that the Board's policy of "regulated competition" will be followed on routes from the United States to other areas of the world where the traffic potential appears sufficient to justify more than one American airline. Decisions on routes to Latin America, South Africa, and trans-Pacific routes to Asia and Australasia will probably be made within the next several months.

The operations of these American-flag routes, as well as of those flown by the airlines of Great Britain and all other nations of the world, are expected to be greatly facilitated by the steps taken at the Chicago Aviation Conference of 1944 and by the sequels to that Conference which have been discussed in this article.<sup>39</sup>

<sup>38</sup> Northeast Airlines, Inc. *et al.*, North Atlantic Route Case, CAB Docket No. 855, decided June 1, 1945.

<sup>39</sup> Owing to publication requirements, this article was originally written as of October 1, 1945. Prior to going to press, eight additional acceptances of the various Chicago agreements received in the period October 1-December 10, 1945, were added to Table B, and two additional bilateral air transport agreements were noted in Section VIII. During this same period, the PICAQ Interim Council was in session for six weeks, and its Air Navigation and Air Transport Committees were in session for eight weeks. On the air navigation side, PICAQ made substantial progress on completing a number of the Chicago draft technical annexes, and formulated a plan of regional organization within the PICAQ framework. On the air transport side, a statistical reporting system for international airlines was evolved, the Secretariat was directed to begin extensive economic studies, and a start was made in attempting to reconcile the divergent views of member states regarding economic controls over international civil aviation. Finally, a procedure was established for the collection, analysis and publication of various types of international civil aviation agreements to which PICAQ member states or their airlines are parties. The Interim Council recessed on November 30, 1945, and will convene again on January 21, 1946.