

International Co-Operation in Civil Aviation

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ONE of the most outstanding characteristics of aviation has been and still is the rapidity of its progress and development. This progress and development has done so much to change and intensify the complexity of human relations throughout the world that the ingenuity of man has been greatly taxed to find means of guiding and controlling this new form of transportation in such a way that on the one hand the greatest possible benefits will be derived from it and on the other hand the dangers and disadvantages thereof will be avoided or minimized to the greatest possible extent.

It was as recently as 1919 that the first scheduled international air transport service was put into operation between London and Paris. At that time the aeroplane was a new and promising method of transporting passengers over short distances, but there was little indication that it would become a major means of world transportation and communication in less than a quarter of a century. Yet by 1944, the use of the aeroplane had been so developed that a special conference was convened to set up a world organization designed, to quote the preamble of the Convention on International Civil Aviation, to ensure that "international civil aviation may be developed in a safe and orderly manner and . . . international air transport services may be established on the basis of equality of opportunity and operated soundly and economically".

Although the aeroplane of 1919 had a very short range and could carry only a limited pay load, a certain amount of trans-border traffic was possible and indeed inevitable, carrying with it the necessity for some measure of international co-operation in the air. This necessity was recognized at the Versailles Peace Conference and as a result the International Convention for Air Navigation was signed at Paris in October 1919. This Convention dealt mainly with the technical aspects of international flight and provided for an International Commission for Air Navigation which was designed to foster technical co-operation in the air. ICAN continued to function during the 1920's and 1930's and indeed increased the scope of its authority and usefulness concurrently with the technical development in aviation, although its powers were seriously limited by the terms of the Convention from which its authority was derived. Because the range and capacity of the aeroplane was limited, its membership consisted chiefly of European States and it was never able to deal with international aviation on a world wide basis. While Canada was a member of ICAN, the United States, the Soviet Union, Germany, China and a number of the South American States did not participate.

The North Atlantic and South Atlantic oceans constituted a barrier to aerial communication between the two hemispheres and the aviation planners of the 1920's regarded air transportation as a

regional rather than a world wide problem. Because of this, representatives of the American republics met at Havana in 1928 to discuss an agreement which would apply only to the Western Hemisphere. The result of this Conference was the Pan-American Convention on Commercial Aviation, which unlike the Convention of Paris, made no attempt to develop uniform technical standards and established no permanent agency as was done in the case of ICAN.

WITH the tremendous technical advances produced by the hard necessities of the second world war, and the vast development of military air transportation through the medium of the RAF Transport Command and the United States Army and Navy Air Transport Services, air transportation became a most important factor in world transportation. Long before the war was won, there was general recognition of the necessity for an international organization which, as soon as hostilities ceased, would make provision not only for common standards and practices in international air navigation but which would also provide a basis for settlement of the economic problems which would arise in connection with international air transport. The United States took the lead by inviting more than fifty allied and neutral States to send representatives to a conference to be convened in Chicago in November 1944.

Prior to this time Canada's interest in the international aspects of aviation had not been very great. We had signed the International Convention for Air Navigation of 1919 but between the two wars we were chiefly interested in building up aviation within our own country. During the last war we became actively interested in flying abroad and concerned about conditions in the international field. On April 2nd 1943, in the Canadian House of Commons, Prime Minister W. L. Mackenzie King said: "The Canadian Government strongly favours a policy of international collaboration in air transport and is prepared to support in international negotiations whatever international air transport policy can be demonstrated as

being best calculated to serve not only the immediate national interests of Canada but also our overriding interest in the establishment of an international order which will prevent the outbreak of another war." This statement is still the basis of our international aviation policy. Long before the invitation was issued by the United States to the Chicago Conference, Canadian preparations for participation were under way. The Canadian draft Convention on Civil Aviation, which was the earliest available complete plan, was tabled in the House of Commons on March 17th 1944. The draft, as approved by the Canadian Parliament, was considered and improved at the Commonwealth Air Conference in Montreal late in 1944, and in later discussions with the U. S. authorities. This draft served as a basis for discussion at the Chicago Conference.

THE United States invitation was welcomed and accepted by the Government of 54 States and the Conference was convened in Chicago on November 1st 1944, continuing until December 7th 1944. The Final Act of the Conference, which was signed by the representatives of all the participating States, contained the text of the following:

The Interim Agreement on International Civil Aviation.

The Convention on International Civil Aviation;

The International Air Services Transit Agreement; and

The International Air Transport Agreement¹.

It also contained 12 technical draft Annexes. Each of the above instruments was opened for signature on December 7th, 1944.

At Chicago, Canada was one of the outstanding participants and Canada's delegates, The Right Hon. C. D. Howe, and Mr. H. J. Symington, then President of T.C.A., took a leading part in establishing a compromise between the positions of the United States and the United Kingdom which led to final agreement and the production of the Convention.

The delegates at Chicago were faced with the necessity of choosing a temporary

home for the provisional organization, the establishment of which was provided for under the Interim Agreement. Canada was chosen partly as a result of this country's outstanding contribution to the discussions and partly as a compromise between the conflicting desires to locate the Organization in Europe and the United States.

The Interim Agreement required acceptance by 65 States in order to bring it into force. By June 6th, 1945, 26 States had notified their acceptance and the Provisional International Civil Aviation Organization (PICAO) was accordingly established. The first meeting of the PICAO was held in Montreal on August 15th, 1945.

On April 4th, 1947, which was considerably earlier than its most optimistic supporters had anticipated, the Convention came into force following the ratification by the requisite 26 contracting States and the International Civil Aviation Organization (ICAO) superseded the provisional organization.

At the final meeting of the Assembly of the PICAO, a decision was taken pursuant to the Convention that the permanent seat of the Organization would be in Montreal and the Canadian Government immediately took steps to implement the undertaking previously given to make provision for suitable headquarters premises for ICAO. Arrangements were made with Canadian National Railways to construct the new ten storey office building now known as the International Aviation Building which is situated at the corner of Dorchester and University Streets in the city of Montreal. ICAO moved into this building in August, 1949.

The Structure of ICAO

THE Organization is made up of an Assembly, a Council, certain other subsidiary bodies, and an international Secretariat. ICAO is unique among international organizations in that its Council is a permanent body responsible to the Assembly and is composed of 21 States elected by the Assembly every 3 years. The Assembly, which meets annually, is composed of all member States,² each of

which is entitled to one vote. This body is the supreme authority, subject to certain functions which are specifically allocated to the Council by the Convention. The Council, which is the executive body and generally responsible for carrying out the work of the Organization, performs the function specified in the Convention. It also carries out the directives of the Assembly and maintains contact with the member States and with other international bodies. The Council is in session about eight months of each year and is assisted by the Air Navigation Commission, the Air Transport Committee, the Joint Support Committee and the Finance Committee. The Legal Committee of ICAO which was created by Resolution of the Assembly also plays an important part in the work of the Organization. Under the terms of the Convention there is a President of the Council who is elected every three years and in charge of the permanent Secretariat is a Secretary-General, appointed by the Council. The President of the Council is Dr. Edward Warner who was formerly Vice-Chairman of the Civil Aeronautics Board of the United States. The Secretary-General is Dr. Albert Roper who for 25 years was Secretary-General of the International Commission for Air Navigation. Of the 400 members of the Secretariat, approximately 150 constituting the senior group are recruited internationally. The remainder are mostly recruited locally. The Budget of ICAO for the year 1951 is approximately \$3,000,000.

While from the strictly legal point of view PICAO and ICAO were two separate bodies, their functions have for all practical purposes been almost identical and for the purposes of this article they are treated as one continuing organization.

The Technical Functions

THE most important functions of ICAO lie in the technical field and the major part of the Organization's activities have been in this field. While the Final Act of the Chicago Conference contained drafts of a number of technical Annexes it was

recognized that these could be little more than a basis for the work which the Organization had to undertake. The great impetus given to aviation in World War II, the large numbers of civil aircraft which were flying internationally and the great speeds at which they travelled made it essential that the Organization proceed without delay with the task of standardizing international air navigation facilities and developing uniform procedures for the operation of aircraft. The Interim Agreement made provision for the establishment by Council of a Committee on Air Navigation. This Committee commenced work in October 1945 and was composed of technical experts appointed by Council from individuals nominated by member States. When the permanent Organization took over from PICAQ the Air Navigation Committee continued to operate for some time and in 1948 a decision was taken to establish the Air Navigation Commission in accordance with the Convention. This Commission is composed of 12 members similarly qualified and appointed by the Council.

The Air Navigation Commission is primarily responsible for the technical work of the Organization. Work was begun in October 1945 on this development of standards and recommended practices which under the terms of the Convention the member States have bound themselves to accept when adopted by the Council. Since these standards and recommended practices are of the essence of the work of ICAO the following definitions are of considerable interest:

Standard: Any specification for physical characteristics, configuration, materiel, performance, personnel or procedure, the uniform application of which is recognised as necessary for the safety or regularity of international air navigation and to which contracting States will conform in accordance with the Convention; in the event of impossibility of compliance, notification to the Council is compulsory under Article 38.

Recommended Practice: Any specification for physical characteristics, confi-

guration, materiel, performance, personnel, or procedure, the uniform application of which is recognized as desirable in the interest of safety, regularity or efficiency of international air navigation, and to which Contracting States will endeavour to conform in accordance with the Convention.

In accordance with the Convention and pursuant to the procedures established for the purpose, 13 sets of technical standards and recommended practices have been adopted by the Council and designated as Annexes to the Convention. Of these 12 are already in force and the remaining one will come into force on 1, November, 1951.³

The ICAO procedures for the development and adoption of standards are believed to be unique in the history of international cooperation and as the system might well be adapted for use in other spheres the following brief description of them is given:

Each category of the several specialized technical subjects is dealt with initially by a "Division" which is an international meeting in which all member States are invited to participate. Each of the representatives attending a Division contribute the knowledge and experience which he has acquired in his own country. The most sincere efforts are made to resolve differences which exist in the various States and to produce technical recommendations designed for world wide adoption. As soon as possible following the meeting of a Division, the Air Navigation Commission, assisted by the expert technical Secretariat examines the Report of the Division and makes such proposals for modifications as may be necessary in the light of the overall technical picture and with due regard to other Annexes which may have some relation to the draft under consideration. The Report of the Division with the proposals of the Air Navigation Commission is then submitted to all member States for their comments. Following receipt of these comments, the Air Navigation Commission again reviews the draft

Annex in the light of the comments received from States and after any additional appropriate modifications the draft is submitted to Council with a recommendation for adoption as an Annex. Under the terms of the Convention a 2/3 vote of the Council is required before an Annex can be adopted. In adopting an Annex the Council may accept, reject or modify the recommendations of the Commission. Following adoption the Annex must again be submitted to States in order to afford them an opportunity to register disapproval of all or any part of the Annex. Unless a majority of the Contracting States register disapproval within the time limit prescribed by Council, which in any event must not be less than 3 months, the Annex or those portions which have not been disapproved becomes effective. After a further period which is allowed for the purpose of enabling the States to complete any necessary legislative or other procedures for the purpose of implementing the Annex, it comes into force and is binding on all member States subject only to the right of any State to depart from the standards prescribed in cases where it is found impracticable to comply in all respects with them or impossible to bring the national regulations or practices into full accord. In such cases, any differences which exist between the national standards or practices and the ICAO standards must be communicated immediately to ICAO which in turn must notify all other member States. In a limited number of cases, for example, in regard to rules of the air over the high seas, no departure from ICAO standards can legally be made.

Amendments to Annexes are also dealt with in accordance with the foregoing procedure.

Up to the present time no part of any Annex adopted by Council has been disapproved by a majority of the member States and relatively few deviations have been registered.

THERE are many problems of international flight which cannot presently be solved by world wide action and which

have regional peculiarities. For this reason ICAO convenes from time to time regional Air Navigation meetings in each of the ten regions into which for the purposes of ICAO, the world has been divided.⁴ Invitations to regional meetings are issued to each of the States located in the region and also to those States which have a significant interest therein by reason of their airlines flying through the region. Each regional meeting considers the overall picture of international air navigation in the region concerned. Examination is made to determine whether the air navigation and aerodromes are adequate for the safety and regularity of international air navigation and if they are not, specific recommendations are made with a view to remedying the deficiencies. Recommendations of Regional meetings are studied by the Air Navigation Commission which in turn submits the Report of the regional meeting to the Council together with its own recommendations thereon. It is then necessary to remedy deficiencies. Normally this involves proposals to the State or States directly concerned. If after due consideration it is found to be impossible for the State or States directly concerned to implement the proposals, the Council may, under the provisions of Chapter 15 of the Convention, institute action leading towards the joint financing of the project by those States whose aircraft would use the facilities.

ICAO also maintains five Field Offices for the purpose of assisting in the maintenance of liaison, particularly in regard to technical matters, between the ICAO headquarters and the governments of its member States. These five offices, located in Cairo, Lima, Melbourne, Montreal and Paris are also responsible for coordinating the work in the field of aviation of the various States in each region and for assisting in arranging for the implementation of the recommendations of the regional meetings.

THROUGH the joint efforts of the Field Offices the Headquarters Secretariat and the Air Navigation Commission, ICAO has now available for the first time a complete tabulation on a world wide basis of all those air navigation facilities

and services which are necessary or desirable for the safety, regularity or efficiency of international air navigation. This tabulation shows the facilities and services which presently exist and also the deficiencies.

Financing Air Navigation Facilities

ONE of the more serious problems in the provision of Air Navigation facilities and services on a world wide basis arises in cases where certain States are unable to provide them either because of sparsity of population, lack of necessary funds, or limited interest in aviation. Under the terms of the Convention each contracting State undertakes, *so far as it may find practicable*, to provide in its territory, airports, radio services, meteorological services and other air navigation facilities in accordance with the standards and practices established from time to time pursuant to the Convention. However, a number of States have not found it practicable to comply fully with this requirement with the inevitable consequence that the safety of international air navigation is impaired. Under Chapter 15 of the Convention, provision is made for such cases and when one arises it is the responsibility of the Council to consult with the State directly concerned and other States affected with a view to finding means by which the situation may be remedied. Pursuant to Chapter 15, arrangements have been entered into with the Governments of Iceland and Denmark for the joint financing of facilities and services in Iceland, Greenland and the Faroe Islands respectively. These arrangements were worked out at special conferences at which Denmark and Iceland together with those States whose aircraft operate in the North Atlantic were represented. Contributions under these schemes are based on the actual proportion of use of the facilities by the States concerned. At the present time Canadian aircraft fly approximately 10% of the trips across the North Atlantic and our contribution is this proportion of the total cost. Another project in the North Atlantic, somewhat different in character, is also jointly operated on a similar basis. This is the

North Atlantic Ocean Stations Agreement. Under this agreement which was entered into originally in 1947 and revised in 1949, ten Ocean Stations are maintained in operation in the North Atlantic throughout the year. The States participating are Belgium, Canada, Denmark, France, Ireland, Netherlands, Norway, Portugal, Sweden, Switzerland, the United Kingdom and the United States of America. All of these have accepted responsibility for the operation or financing of one or more Weather Ships with the exception of Ireland, Portugal and Switzerland who make general cash contributions to the project.⁵ The principal function of these Weather Stations is to provide meteorological information which contributes generally to the safe and economical operation of the North Atlantic services and they also act as aids to air navigation and in addition are equipped to serve as search and rescue units in cases of emergency.

While so far joint international financing has been undertaken only in the North Atlantic area, there are many other areas in which facilities are lacking and where it may be necessary to provide them on a jointly financed basis.

The Economic Field

WHILE it has been found considerably more difficult to achieve progress in some of the economic aspects of the work of ICAO than has been the case in the technical field, much valuable work has already been done. At the Chicago Conference there was a general desire to make provision for the extension of the rights to fly internationally on a uniform basis. There was also, however, a recognition of the difficulties involved and it was for this reason that two separate agreements, the International Air Services Transit Agreement and the International Air Transport Agreement were drafted. Since that time 41 States have accepted the Transit Agreement, which provides for the first and second freedoms, but only 17 States of whom 5 have since denounced, accepted the Transport Agreement which provides for all five freedoms.

Very shortly after PICAQ came into being, studies were commenced with a view to the development of a Multilateral Agreement on Commercial Rights in International Air Transport. Both the PICAQ Assembly in 1946, and the First Session of the ICAO Assembly in 1947, devoted much time to the study of the problem but without arriving at an acceptable solution. In November 1947 a special Commission was convened in Geneva, Switzerland, for the purpose of reaching agreement on this subject but the differences between the main participants were so great that the attempt to conclude an agreement had to be abandoned. Almost everyone recognizes that the present system of bilateral exchange of routes and traffic rights is unsatisfactory but so far, although considerable further study has been and is being given to the problem, it appears that its solution will not be found in the very near future.

An outstanding achievement of ICAO is in connection with the Facilitation of International Air Transport. It was found at an early stage that the main advantages of air travel, namely speed and the ability of the aeroplane to cross natural barriers, were greatly impaired by the multiplicity and variety of national laws and regulations relating to Customs, Immigration, Health and Agricultural Quarantine in connection with border clearances. This is another problem which was tackled vigorously in the early days of the Organization and at a Facilitation Division meeting held in Geneva in May 1948, a draft set of standards and recommended practices in this field was prepared which were later adopted by the Council as an Annex to the Convention and accepted by the States. These standards and recommended practices are now in force throughout the world with relatively few deviations having been filed by contracting States. As a consequence there has been very considerable simplification and unification of border crossing procedures throughout the countries of the free world.

AS in the case of the technical Annexes, the Annex on Facilitation is by no means regarded as a closed book. Much

still remains to be done in the field of facilitation but this can only be achieved when most of the Governments are prepared to make the additional modifications in their own laws and regulations which are necessary to arrive at further simplification and uniformity. In the case of the Facilitation Annex a third Session of the FAL Division was held in Buenos Aires in November 1951, for the purpose of considering possible ways and means of effecting improvements.

A number of other matters in the economic field which are of considerable importance to the airlines and consequently to the travelling public have been dealt with. These include Council recommendations to the member States directed towards the elimination of burdensome and double insurance, double income and property taxes on airlines and certain taxes on fuel and oil. The statistical programme of ICAO is of great importance to the member States and invaluable as a basis for much of the Council's work.

The Legal Field

The Comité International Technique D'Experts Juridiques Aériens (CITEJA) was established in 1925 to study problems of private international air law. Its most noteworthy achievement was the Convention of Warsaw, containing rules governing international carriage of goods and passengers by air, which has been accepted by 40 States.

At the first session of the ICAO Assembly in 1947, provision was made for the creation of the Legal Committee of ICAO which took over the functions formerly exercised by the CITEJA. All member States of ICAO are entitled to representation on the Legal Committee and a substantial number of the States, including Canada, have taken an active part in its work. In 1948 the Second Session of the Assembly approved the draft of a new Convention on the International Recognition of Rights on Aircraft, which was signed on behalf of 27 States, although so far only the United States and Mexico have filed ratifications. The object of

this Convention is to safeguard, while aircraft are in "foreign" contracting States, rights of property possession or security in or over the aircraft validly acquired by third parties in accordance with the law of the State in which the aircraft is registered as to nationality. A considerable amount of work has been done by the Committee on a revision of the Rome Convention of 1933 for the purpose of bringing it up to date and putting it in a form which will receive more general acceptance. A "final draft" of this Convention which is entitled "Draft Convention on Damage Caused by Foreign Aircraft to Third Parties on the Surface" was prepared at the meeting of the Committee held in Mexico City in January 1951, and the Council has decided that it will be submitted for adoption to a conference of the States, probably in June, 1952. The Committee is also preparing a revision of the Warsaw Convention referred to above and it is expected that this also will be finalized at an early date. A number of other projects are under study by the Legal Committee.

Co-Operation With Other International Organizations

ICAO is one of the specialized agencies of the United Nations, and the relations between the two organizations are governed by the provisions of the United Nations-ICAO Agreement. Pursuant to this agreement there is the fullest co-operation between the two organizations in regard to all matters of mutual interest. ICAO also maintains close contact with the other specialized agencies which deal with matters of special interest to this Organization. These organizations are the World Meteorological Organization (WMO), the International Telecommunications Union (ITU), the Universal Postal Union (UPU) and the World Health Organization (WHO). ICAO has no formal agreement with these organizations but co-operation for the purpose of affording mutual assistance and co-ordination in order to avoid unnecessary duplication is effected under informal arrangements which have been worked out in the light of experience.

ICAO also maintains close liaison with the International Air Transport Association (IATA), which is a private international organization composed of the great majority of all scheduled air carriers operating in the international field. IATA selected Montreal for its headquarters in order to facilitate co-operation between the two organizations. These two bodies have worked very closely together within their respective spheres, and this has done much to further the development of international civil aviation.

United Nations Technical Assistance Programme

ICAO is co-operating in the Technical Assistance Programme of the United Nations although at the present time this participation is not very extensive partly because of non-availability of funds and partly because of the serious difficulties involved in finding suitably qualified technical personnel to take on the work. The general objective of technical assistance in civil aviation as in other fields is the promotion of the economic and social welfare of the people in the States receiving assistance. In the case of aviation there is an additional benefit in that the programme offers an excellent means of overcoming deficiencies in the shortage of trained personnel in many countries of the world. Technical missions have already been despatched by ICAO to a number of other countries. Technical advisers have been sent to a number of countries in response to requests for limited assistance in specific fields and in addition a very considerable number of fellowships have been awarded for the purposes of enabling nationals of the countries concerned to undertake training courses in those countries which have special facilities for training in the various fields of aviation.

Canadian Participation In ICAO

AS previously indicated, Canada took a very active part in the establishment of ICAO. We have continued to participate in full measure in all of the work of the Organization.⁶ In the tech-

nical field, participation in Division and other meetings held in Montreal is much easier for us than for other States by reason of our proximity. While attendance of experts at meetings usually puts a strain on the departments concerned, this is reduced to a minimum in our case. By attending these international meetings Canadian officials derive great benefit from being able to exchange views with some of the best qualified men in aviation from all parts of the world.

Much of the work which is being done by ICAO with the advice and assistance of those world experts would have to be done in any event by national administrations even if there were no international organization. The standards and recommended practices in the Annexes to the Convention have been of inestimable benefit to us in Canada in framing our own regulations as they have been for all other contracting States who have any significant interest in civil aviation. These benefits are by no means restricted to international flying and indeed in our case, as in others, the main benefit is often to domestic aviation. In the case of the Standards and Recommended Practices for Facilitation of International Air Transport, we benefit in common with others to the extent that Canadians travel abroad and reap the benefit of more expeditious handling of border and other formalities and simplification of the documentation required for travel purposes. Our airlines which operate internationally, Trans-Canada Air Lines, and Canadian Pacific Air Lines, benefit greatly by the simplification of documentation and also the substantial reduction in the multiplicity of forms which formerly were required to meet the varying requirements of the several countries to or over which they fly. On our part it has been necessary for our Customs and Immigration authorities to make modifications in their procedures as our contribution to this programme. As in the case of very many countries it has not yet been possible for us to implement fully all the provisions of the Facilitation Annex but the problem is under constant study and every effort

is being made to eliminate the differences which do exist.

IN the legal field we have fully participated in and contributed to the discussions of the Legal Committee. The Constitutional relationship between the Federal and Provincial jurisdictions in regard to some matters which are dealt with in the Convention on the International Recognition of Rights in Aircraft and in some of the draft Conventions which are in course of preparation is somewhat obscure and it therefore cannot be said with any certainty at the moment to what extent it will be possible for Canada to accept and ratify these Conventions, as and when the time to do so arrives.

Canada benefits greatly by reason of the location of the Headquarters of the Organization in Montreal. The annual budget of ICAO is three million dollars and most of this is spent in Montreal. In addition annual expenditures in Canada by the other twenty Council Member States whose offices are permanently located in Montreal is probably in the neighbourhood of half a million dollars. Approximately two thirds of the members of the Secretariat are Canadians. In addition to the permanent representation of Council Member States in Montreal, many of the States send delegations to the large number of meetings held during the course of the year at the Headquarters. This does much to make Canada known to the rest of the world and of course affords to Canadians here an opportunity to meet and to get to know more about the countries from which these visitors come. While Montreal, which is now recognized as the international aviation headquarters of the world, receives most of the direct advantages, the whole of Canada benefits to some extent by the presence of ICAO within our borders. On the other side of the ledger, Canada in its capacity as host State makes its contribution. The rental of the Headquarters premises has been fixed at a rate which eliminates all profit element. The Headquarters Agreement between the Government of Canada and ICAO provides for privileges and

immunities to both the Organization and the representatives of States permanently resident or attending meetings in Montreal which are similar to those accorded to diplomatic and other envoys accredited by their respective States to Canada. It is hoped and expected that similar privileges and immunities will be granted by the Province of Quebec but negotiations to this end have not yet been concluded.

WHILE pursuant to the Convention the decision was taken to establish the permanent headquarters of ICAO in Montreal, it is quite possible that at some future date this decision may be reviewed. At the Fourth Session of the Assembly a determined effort was made to amend the Convention so as to make it possible for ICAO to move its headquarters if a majority of member States decided to do so. While the proposal did not receive the necessary two thirds majority required in cases of amendments to the Convention, it barely failed to do so and probably would have passed had not a number of delegations been taken by surprise and voted against it because they felt sufficient notice had not been given to permit due consideration by the Governments of the member States. The main reason given for the proposal was that, in principle, ICAO should not be bound for all time by a decision which was actually taken by the Provisional Organization before ICAO came into existence. It would appear that a majority of the States share this view and it is likely that any future proposal for amendment, properly presented in sufficient time and providing adequate safeguards to ensure that no hasty and ill-considered decision to move would be taken, would secure the approval of the Assembly and in due course ratification by the necessary number of member States. While the main argument put forward in favour of the proposal to amend the Convention was the point of principle referred to above, it was and still is quite apparent that there is a strong feeling in some States in favour of moving ICAO away from Canada. This exists for a number of reasons, among which are the

following: The relatively high costs of operation in Montreal, compared with most places outside North America. Rentals, services, supplies of all kinds and the cost of living for employees and representatives of States is extremely high. The serious difficulties which many States have of securing dollar exchange for the purpose of paying their contributions to ICAO and sending representatives to Montreal are a constant source of concern. Our climate too is a source of objection particularly to those representatives who come from countries where the winters are not so severe. Our quite considerable ranges in temperature call for a great variety of clothing which adds to the cost of living.

CURRENTLY there is much competition among certain States to have international organizations located within their borders. Interest-free building loans, low rental leases and extensive privileges and immunities are among the inducements offered. Tied as we are to the economy of the United States we can do little to control our cost of living; we can do nothing to improve our weather and in the field of privileges and immunities the Government of Canada has done all that could be reasonably expected.

Conclusion

The aims and objectives of ICAO, as set out in the Convention are:

- (a) Insure the safe and orderly growth of international civil aviation throughout the world;
- (b) Encourage the arts of aircraft design and operation for peaceful purposes;
- (c) Encourage the development of airways, airports, and air navigation facilities for international civil aviation;
- (d) Meet the needs of the peoples of the world for safe, regular, efficient and economical air transport;
- (e) Prevent economic waste caused by unreasonable 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;

- (i) Promote generally the development of all aspects of international civil aeronautics.

Some of these objectives have already been achieved and a firm foundation has been laid for the remainder. While much remains to be done, I have no doubt that the member States will continue to cooperate as they have in the past to the lasting benefit of all the peoples of the world.

¹The Transit Agreement provides for the exchange of the first two "freedoms."

The Transport Agreement includes all five "freedoms."

The five "freedoms" are:—

- (1) The privilege to fly across the territory of a contracting state without landing.
- (2) The privilege to land for non-traffic purposes.
- (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.
- (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 territory.

²Present membership is 57, of which only two, Poland and Czechoslovakia, are Iron Curtain Countries and neither of them is active in the work of ICAO.

³Annex 1—Personnel Licensing
(Amendments Nos: 1-129).

Annex 2—Rules of the Air.

Annex 3—Meteorological Codes
(Amendments Nos: 1-37).

Annex 4—Aeronautical Charts
(Amendments Nos: 1-28).

Annex 5—Dimensional Units to be used in Air-Ground Communications.

Annex 6—Operation of Aircraft, Scheduled International Air Services.
(Amendments Nos: 1-27).

Annex 7—Aircraft Nationality and Registration Marks.

Annex 8—Airworthiness of Aircraft
(Amendments Nos: 1-63).

Annex 10—Aeronautical Telecommunications
(Amendments Nos: 1-5).

Annex 11—Air Traffic Services.

Annex 12—Search and Rescue.

Annex 13—Aircraft Accident Inquiry.

Annex 14—Aerodromes.

⁴African-Indian Ocean, European-Mediterranean, Caribbean, Middle East, North Atlantic, North Pacific, South Atlantic, South American, South Pacific, South-East Asia.

⁵Under a bilateral agreement made between Canada and the United States, we are now operating a three-ship Weather Station in the Pacific, to the west of Vancouver Island and the United States has assumed responsibility for our commitment for one ship in the North Atlantic.

⁶Canada's first representatives to PICAQ and later to ICAO were Mr. A. C. McKim who was our representative on Council and Mr. Stuart Graham, technical adviser and Canadian nominee on the Air Navigation Committee and later Air Navigation Commission. The present representatives are C. S. Booth, senior representative, who was appointed July, 1947, and who sits on Council, the Air Transport Committee, the Joint Support Committee, the Finance Committee and the Legal Committee. The technical adviser and member of the Air Navigation Commission is Mr. H. A. L. Pattison, who is alternate to the senior representative on Council. Wing Commander W. P. Pleasance is RCAF liaison officer and also acts as alternate on the Air Navigation Commission, the Air Transport Committee and the Joint Support Committee.