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v. 9
1945/46

Canada in World Aviation

By J. A. WILSON

EDITOR'S NOTE: There are few men who have done so much for the promotion of civil aviation in Canada as the author of this article, J. A. Wilson. He has been responsible for the administration of Civil Aviation in Ottawa from 1919 until the summer of 1945, when he retired from the position. As Director of Air Services in the Department of Transport in Ottawa, he was one of Canada's chief delegates at the Chicago Conference on World Aviation. His article is a sequel to the series "Canada in the World" published in the spring issue of **PUBLIC AFFAIRS**. Mr. Wilson was unable to contribute the article at that time as he was in Australia advising the Commonwealth Government on matters of Civil Aviation.

The Canadian Draft Convention

ON March 17, 1944, the Honourable C. D. Howe tabled in the House of Commons the Canadian Draft Convention on Civil Aviation. His statement at that time was a broad review of Canada's position and objectives, past, present and future, and may be found in Hansard of that date. After stressing the rivalries and difficulties of establishing International Air Services during the last twenty years, he ended with the warning—"Because of the rapid development of aviation during the war, the international rivalries which would develop in the future after the conclusion of hostilities would be even sharper than those of the past unless some improvement is effected."

The Canadian Draft Convention had been framed with these difficulties in mind and, to avoid them, provided a plan for a multilateral convention granting four freedoms of the air under an international authority with power to supervise International Aviation and prevent abuse of these freedoms. Informal discussions with other nations showed a good measure of agreement on the principles of the Canadian Draft. The United States' reaction was not wholehearted by any means and it was evident that before that government would assent to any executive or judicial authority being given any international authority to control aviation, a clear definition of the principles by which such control would be exercised would be necessary. Study was immediately given by Canada to

meet this and other suggestions for improvement of the Canadian Draft.

The Canadian government strongly held the view that any reversion to the bilateral hard-bargaining of the pre-war period was unthinkable and, as not all nations were in a position to participate immediately and on equal terms in post-war air services, some provision must be made by international agreement for the orderly and equitable development of such services. The United Kingdom Government held similar views which were communicated to the United States Government early in the summer of 1944. That government which had already started bilateral conversations with several nations, with a view to obtaining operating rights over their territories, then agreed to take the initiative and summon an International Civil Aviation Conference to meet in Chicago on November 1, 1944.

Commonwealth Discussions

For some time the desirability of further Commonwealth discussions had been evident because of the prospect of an early peace and it was decided to hold them in Montreal immediately before the Chicago meeting as all Dominions would then have representatives on this continent. At this conference many helpful suggestions were made for the improvement and amplification of the Canadian Draft Convention to make it not only an Air Transport Agreement but to fit it to cover the whole field of Air Navigation as well. Considerable progress was also made on subjects of particular interest to the Commonwealth countries, such as air connections between the various regions. Canadian interest in three international services had already been indicated—

- (1) The Trans-Atlantic Route;
- (2) A route to the West Indies and Latin America;
- (3) Participation in a Pacific Route.

Discussions of these proposals and similar projects put forward by the other

Commonwealth countries were continued and it was decided to form a Commonwealth Air Council as an Advisory Body to study and keep under review the progress of civil air communications and provide for voluntary consultation among the Commonwealth governments.

The Basic Problems at Chicago

On November 1, 1944, delegations from fifty-four nations met in Chicago to discuss the future organization and operation of Civil Air Services in the post-war world. At the first plenary session it was evident that there were three schools of thought represented:—

- (1) Those favouring the international operation of the world's main trunk routes;
- (2) Those in favour of control and regulation by an international body with executive powers to define international air routes; allocate services to the nations concerned and license such services; fix rates of carriage; provide for arbitration and deal with technical matters arising in Air Navigation;
- (3) Those favouring "maximum use with the fewest possible controls." This group favoured the establishment of an International Organization to deal with technical matters. Its powers were to be wholly advisory; it would concern itself with the collection of information; the standardization of Air Navigation practices; and the study and review of these and the economic factors entering into international air services.

Many persons present at Chicago undoubtedly felt that the nature of air transport as a public utility was such as to make it desirable to internationalize world air transport. However, it did not receive support as a practical solution under existing circumstances. The debates concentrated largely on the rival theories of "Regulation" versus "Free Enterprise." The heads of the Canadian and United Kingdom delegations made it

clear from the outset that the middle course of intelligent regulation was the proper solution.

Canada's Attitude

The Honourable C. D. Howe, leader of Canada's delegation in submitting the revised Canadian Draft Convention for consideration to the delegates, made it clear that "if general agreement proved impossible and it became necessary to revert to the pre-war system, Canada would not pursue an obstructive attitude in dealing with landing or transit rights. Though Canada's immediate and direct national interests would not be prejudiced by continuance of the pre-war system, we know that our long-run interests in the creation and maintenance of a peaceful and prosperous world would be gravely endangered. If we cannot devise a working system of co-operation and collaboration between the nations of the world in the field of air transport, there will be a smaller chance of our enjoying peace for the remainder of our lives." Lord Swinton, leader of the United Kingdom delegates, was equally emphatic on the necessity of wise regulation by an international authority in the interests of equity and justice for all in the air transport field. Both emphasized that they wished for no preferred position for their national services on any route and recognized the value of competition for raising the efficiency and standard of service and keeping costs to the minimum. But it must be evenly regulated competition. Past experience everywhere had shown the need for regulation. In Canada, unregulated competition had for years kept our Northern air services in an unsatisfactory state economically, and in other ways, till the government had been forced to introduce a measure of regulation by placing all scheduled air services under the regulation of the Board of Transport Commissioners. The wonderful record, flourishing growth and efficiency of the United States air transport system had been achieved under wise regulations of the Civil Aeronautics Board, and not by unrestricted competition. In the international field, this

could only lead to uneconomical and destructive competition and nationalistic rivalries and friction.

United States Proposals

The United States proposals advocated an International Organization of an Advisory and Technical nature. Recognizing that time would be required to set up a permanent body of this kind, they also proposed that an Interim Organization of a similar character should be set up immediately to bridge the time-gap until the permanent convention should be ratified by the nations concurring in its terms. They also proposed that agreed standard clauses should be incorporated in any bilateral agreements entered into between States so that there should be, as far as possible, equality of treatment and no discrimination between the States entering into such agreements. They also made a generous offer to make available to other nations transport aircraft from United States sources where, by reason of the war or other causes, these nations had not been in a position to provide such aircraft from their own resources.

The United States proposals for standard clauses in all international air agreements and for an interim authority to function, pending the ratification of the permanent convention creating the final authority, met with general acceptance and were quickly put into acceptable shape after discussion in committee. The necessity for universally accepted standards in air navigation practices was also generally recognized and no time was lost in setting up Sub-Committees of the main Technical Committee to consider the following subjects:—

- (1) Communication procedures; Airways Systems;
- (2) Rules of the Air; Air Traffic Control Practices;
- (3) Standards Governing the Licensing of Operating and Mechanical Personnel; Log Books;
- (4) Airworthiness of Aircraft;
- (5) Registration and Identification of Aircraft;

- (6) Collection and Dissemination of Meteorological Information;
- (7) Aeronautical Maps and Charts;
- (8) Customs Procedures and Manifests;
- (9) Accident Investigations, Including Search and Rescue;
- (10) Publications and Forms.

How Far Should International Regulations Go?

While the many committees were at work on their special subjects attention was focused on the reconciliation of the divergent views of the United States who wished for a non-executive regulatory body to control International Aviation, and those like the United Kingdom and Canada who were unwilling to approve any convention which did not provide for such a body. The Canadian Draft Convention had been amended to meet the United States objections that principles must be agreed on to govern the international authority in regulating air services by the addition of the well known "Escalator" clause whereby an air service operating with an average of 65% payload capacity should be allowed to increase its schedules on any route. In the Canadian Draft it was also proposed that the following four freedoms be granted:

- (1) The right to fly across the territory of other States without landing. (Freedom of transit, or freedom of innocent passage);
- (2) The right to land in other States for non-traffic purposes;
- (3) The right to put down in other States, passengers, mail and cargo embarked in the country of origin of the service;
- (4) The right to embark in other States, passengers, mail and cargo destined for the country of origin of the service.

These four freedoms met with fairly general acceptance and are really essential for a satisfactory international multilateral convention.

The United States air route plans included some long through routes traversing many countries. On such routes "pick-up" traffic is of vital economic importance. They, therefore, suggested the addition of a fifth freedom to cover it, namely:—

The right to take, in other States, passengers, mails and cargo destined for the territory of other States and the right to put down passengers, mails and cargo from other States at any point.

This, of course, complicated the application of the "Escalator" plan, resulted in deadlock between the United States and the United Kingdom and prevented final agreement on all matters at Chicago.

The United States delegation finally agreed that the regulation of services was desirable to prevent unfair and uneconomic methods of competition. This regulation, however, in their view, could not safely be left to the unfettered judgment of the International Council but should be in accordance with definite principles which would be automatic in their application. Agreement on the application of the "Escalator" clause to "pick up" traffic between the United States and the United Kingdom could not be resolved in spite of the utmost efforts of the Canadian delegation to find a solution which would satisfy both.

Dr. Theodore P. Wright, Technical Secretary of the Conference and now Administrator of the United States Civil Aeronautics Authority has expressed his personal opinion about the British proposals in an address (33rd Wilbur Wright Memorial Lecture), stating that "very little restriction on important through-line operation would be occasioned by this procedure and that the alternate of completely wide-open competition might well result in injustice and in damage to amicable international relations to an extent out of all proportion to the expected gain in air transport expansion that might result."

This generous admission of so high an American authority of the reasonableness

of the United Kingdom and Canadian position throughout the conference should go far to dissipate the prevalent impression that it was due to the hide-bound obstinacy and the insistence on unreasonable controls on the expansion of air transport by the United Kingdom delegation which caused the breakdown of the negotiations on the Fifth Freedom and the failure to reach complete agreement on the future administration of international air transport services.

Canada is not accepting this situation as permanent or final. Misunderstandings and mistrust have led to unfortunate exaggerations of the differences that remained unsolved at Chicago. In the spring number of PUBLIC AFFAIRS on page 141, the following statement appears—"But the Chicago Conference was a failure." Similar opinions have been repeatedly made and all are equally mistaken and unfortunate. The differences appeared slight in the end to the Canadian delegation and all States represented expressed an urgent desire to have them overcome. The conference, by formal resolution, requested the Interim Organization to continue the study of the various proposals with a view to evolving a satisfactory formula to bridge the differences of opinion.

Far from being a failure, the Chicago Conference marked the greatest advance the world has seen in agreement between the nations for the establishment on a world-wide basis of international air transport services. Dr. Edward Warner's opinion is well worth quoting—"To realize what a landmark this is in aeronautical history, one really needs to have lived with the subject during the years between the wars and seen at first hand how firmly almost every State has repulsed any attempt to release international air transport from its cocoon of multiple national restrictions." The writer, from his own experience, can only add a heartfelt Amen!

Joint Accomplishments

Having dealt at length with the causes of this main point of disagreement at

Chicago, it is a relief to turn now to the very real accomplishments achieved there. Most important, of course, is the Permanent Convention on International Air Navigation. This, as finally agreed on, covers the fields of Air Transport and Air Navigation and sets up an International Authority to be known as the International Civil Aviation Organization (I.C.A.O.). This consists of an assembly on which all nations will be entitled to representation and a Council of 21 members to act as an executive. Pending ratification by all States, which may take some time, an Interim Organization (P.I.C.A.O.) is provided for. Sufficient States have already ratified that part of the Agreement reached at Chicago to enable the Interim Council to function. Its work will, as a rule, be conducted through the main Committees:—

- (1) The Air Navigation Committee;
- (2) The Air Transport Committee, and
- (3) The International Convention Committee.

The first will have Technical Sub-Committees on the many phases of air navigation, such as the Airworthiness of Aircraft; the Qualifications of Air Personnel; the Rules of the Air; Communications; Meteorology, Maps and Charts, and so on. The second will collect information on Traffic Rates; Subsidies and other matters relating to Air Transport, and will, no doubt, find it necessary to establish Sub-Committees to deal with particular phases of its work. The third will review recommendations on policy questions arising from the continued study of the International Convention on air navigation and make recommendations to the Council for its amendment. In addition to the main Committees, there will inevitably be a large organization under the President and the Secretary General of the Organization to deal with the work of the three main Committees, administrative and financial questions generally.

Disagreement over the freedoms of the air at Chicago prevented their inclusion in the Permanent and Interim Con-

ventions. This made it necessary to draft separate and supplementary Air Transit and Air Transport Agreements. The former provides for the first two freedoms of the air and the latter for the first five freedoms. These two agreements are now open for ratification by the member States. It is likely that most of the nations will ratify the Air Transit Agreement and so permit it to be incorporated in the Permanent Convention. Until the difficulties encountered at Chicago over the fifth freedom are solved, it is not likely that many States will ratify the Air Transport Agreement. It remains to be seen what recommendations the Interim Council can make on the subject after further study and whether the Interim Assembly will be prepared to recommend the solutions to the member States for ratification as part of the Permanent Convention. In the meantime States are free to enter into bilateral agreements covering Air Transport using the standard form agreed on. This form contains a large number of the provisions included in the Convention, thus setting in advance of the ratification of that document a pattern which will greatly facilitate the transition to its full effectiveness.

Canada's Part

The Final Act of the Conference as published by the United States Government contains the text of all these documents and the Preliminary Drafts of the Annexes of Air Navigation as well. In their formulation Canada played an important part. It is readily apparent to anyone studying these documents and comparing them with the Canadian Draft Convention presented to the Conference at the first Plenary Session by the Honourable C. D. Howe that they are, if not in exact form, then in substance, taken from the Canadian Draft Convention and embody in very large measure the ideas contained in that draft. It was the only detailed study of a Permanent Convention placed before the Chicago meeting and has served the purpose of its authors admirably. They are to be congratulated

on their work which has paved the way to such a satisfactory outcome.

The unanimous choice of Montreal as the seat of the Interim Organization was partly the outcome of a desire felt by the delegates to pay a tribute to the outstanding achievement of the group which represented Canada at Chicago and partly a recognition of the convenience of Montreal as a centre for International Aviation. From there now operate through military air routes to all parts of the world and flights over these routes are of daily and, in many cases, hourly frequency. These will be transformed shortly into routes for peaceful travel and transport. The airport at Dorval is fully equipped with the latest safety devices, including radar; radio of all kinds called for in air navigation; lighting on the latest scale; runways

adequate for all types of aircraft now in production; adequate hangar, passenger and freight handling accommodation and service for all types of engines, aircraft and accessories. It is the headquarters, for several Air Transport Organizations military and civil, and its importance as a centre of world air transport will increase rapidly as the world's civil air transport systems are established. There is every confidence that Canada's outstanding contribution to the United Nations War Effort in the air will be continued through into the peace. Our objectives have not changed and will remain, in the words of the Prime Minister, "an overriding interest in the establishment of an international order which would prevent the outbreak of another World War."

Science in War and in Peace

By J. B. BROWN

THE widely-held opinion that the stimulus given by war to scientific research is of immense benefit to mankind has been challenged by no less an authority than Robert Andrews Millikan, winner of the Nobel Prize in 1923, and recipient of the Faraday Medal and other recognitions of high scientific attainment. In "Think" of August, 1943, writing on the new horizons induced by science since Pearl Harbor, Dr. Millikan said "The basic work of bringing to light the possibilities ahead in these fields had been done in all save one of them before Pearl Harbor, and in my judgment the main prospective advances which I shall predict would have come anyway and presumably more rapidly if the scientific brains and energies of the world had not been so largely diverted

by the war to the perfecting of instruments of destruction which are wholly or partially useless for the arts of peace."

While after careful consideration one is likely to agree with Dr. Millikan's general statement, there is nevertheless something to be said on the other side of the case. In the first place, the research and development that are demanded by the immediate exigencies of war are seen to be carried on at an intensity, and with an awareness of their importance, that are seldom attained in peace. The organization of British and American Atomic Research is the outstanding example; as Mr. Churchill said, "The whole burden of execution, including the setting-up of the plants and many technical processes connected therewith in the practical sphere, constitutes one of the greatest triumphs of American—and indeed human—genius of which there is record." (British White Paper). Then, too, some of the objectives of war-

EDITOR'S NOTE: J. B. Brown, a graduate of the University of British Columbia, and a Rhodes Scholar from that province, was during the war an officer in the R.C.N., engaged in research pertaining to naval warfare. He is at present doing post-graduate work at Oxford.