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Geneva, October 20th, 1930.

## LEAGUE OF NATIONS

### Organisation for Communications and Transit

## AIR TRANSPORT CO-OPERATION COMMITTEE

### MINUTES OF THE FIRST SESSION

*Held at Geneva, from July 8th to 12th, 1930.*

The Committee was composed as follows :

- Professor L. DE BROUCKÈRE, Senator of the Kingdom of Belgium (*Chairman*).
- M. FISCH, Geheimer Regierungsrat at the German Ministry of Communications.
- M. Emile ALLARD, Director of the Belgian Technical Air Service ; Professor at Brussels and Liège Universities.
- M. Ricardo RUIZ FERRY, Vice-President of the International Aeronautical Federation ; Representative of the Press Association in the Spanish Central Air Board.
- Mr. John Jay IDE, Technical Assistant in Europe, National Advisory Committee for Aeronautics, United States of America.
- M. Emmanuel CHAUMIÉ, Director of Mercantile Aviation at the French Air Ministry.
- M. Louis HIRSCHAUER, Chief Engineer in the French Air Service.
- Sir W. Sefton BRANCKER, Director of Civil Aviation of the Air Ministry of Great Britain.
- M. Manlio MOLFESE, Chief of Civil Aviation at the Air Ministry of the Kingdom of Italy.
- General Atsushi KABA, Japanese Delegate on the International Commission for Air Navigation.
- M. Shimao IWAI, Secretary at the Japanese Ministry of Communications.
- M. Emile Th. DE VEER, Director of the Netherlands Air Service.
- Colonel Janusz DE BEAURAIN, Chief of the Institute of Aeronautical Studies of the Polish General Staff.
- Lieut.-Col. C. FILIPOWICZ, Chief of the Civil Aeronautics Section of the Polish Ministry of Communications.
- M. Tord Knutsson ÅNGSTRÖM, Civil Engineer ; Member of the Swedish Central Air Department.
- Colonel Arnold ISLER, Director of the Swiss Federal Air Office.
- M. Edmond-Louis PITTARD, Professor at Geneva University ; Advocate.
- M. Tadya SONDERMAYER, Director-General of the Yugoslav Air Navigation Company, "Aeropout" ; Vice-President of the Yugoslav Royal Aero Club.

*Secretary :*

M. R. HAAS, Secretary-General of the Communications and Transit Organisation.



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## FIRST MEETING.

*Held on Tuesday, July 8th, 1930, at 11 a.m.*

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*Chairman : M. DE BROUCKÈRE.*

Present : All the members of the Committee, except Mr. John Jay Ide, replaced by Mr. James W. RIDDLEBERGER, Vice-Consul of the United States of America at Geneva, as an observer.

The following attended in an advisory capacity :

M. A. ROPER, Secretary-General of the International Commission for Air Navigation ; as well as the following Rapporteurs :

M. Henri BOUCHÉ, Director of l'*Aéronautique*, Paris ;

M. Salvatore CACOPARDO, Chief of Section at the Air Ministry of the Kingdom of Italy ;

Dr. Hans OPPIKOFER, Professor of the Faculty of Law ; Director of the Institute of Aerial Law at Königsberg.

*Secretariat* : M. R. HAAS (Secretary-General of the Communications and Transit Organisation, acting as Secretary of the Committee), M. J. ROMEIN, M. J. METTERNICH and Mr. L. C. TOMBS (Members of the Communications and Transit Section).

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### I. Chairman's Address.

The CHAIRMAN welcomed the members of the Committee and read out, in view of their importance, the communications received by the Secretary-General of the Communications and Transit Organisation from General I. Balbo, Dr. Hugo Eckener and Colonel Charles A. Lindbergh. (See document C. 339. M. 139. 1930. VIII, pages III to VIII.)

### II. Communications by the Secretary.

The SECRETARY OF THE COMMITTEE said that, at the last moment, Mr. Ide had been prevented from coming to Geneva ; in his absence, the United States Vice-Consul at Geneva was attending the meeting as an observer.

The Secretary of the Committee reminded the Committee that he had circulated a Note (see Annex 1) containing a summary of the events which had led up to the present meeting. In reality, its origin was twofold. In the first place, the Preparatory Committee for the Disarmament Conference, on the proposal of a Committee of Experts on civil air questions, had, in 1927, raised the problem of the conclusion of economic agreements between civil air-transport undertakings and had submitted a resolution on this subject to the Assembly. The Assembly had then asked the Council to have this question studied by the competent organs of the League. One of the Committee's chief aims must, therefore, be to examine how far closer international co-operation between civil air-transport undertakings could benefit the latter. In the second place, independently of the Assembly's resolution, the last Conference on Communications and Transit held at Geneva in 1927, had had to consider a proposal by the Swiss delegation aiming at better international organisation of aviation, particularly by co-ordination between the different organisations dealing with air navigation. The question was referred to the Communications and Transit Committee, which had thought that the Air Transport Co-operation Committee could examine the question. Since then, the situation had slightly changed. It would be for the Committee to see whether it was expedient or not to recommend certain measures likely to increase the efficiency of international organisations, or whether it thought that all that could be done in this sphere had already been done.

From the outset, a distinction must therefore be made between two points on the Committee's agenda :

First point : Examination of the present situation from the point of view of the international organisations dealing with air navigation. The Committee would have to decide whether this question should be gone into thoroughly or not.

Second point : How far could an agreement between Governments and between air-navigation undertakings promote the economic development of this navigation ?

The Secretariat had thought that it was particularly this part of the agenda which deserved careful preparation. It had, therefore, asked certain experts to submit various studies regarding the economic and administrative situation of air navigation. It had also thought it necessary to submit a table of the present legal situation of civil aviation. This table would teach the members of the Committee nothing new, but would be useful for purposes of reference.



Lastly, the Preparatory Disarmament Conference had asked for an enquiry into the relations between civil and military aviation. As regards this point, the Chairman of the Transit Committee had considered that it was not for the Committee to study the specifically military problem. It was a fact, however, that the development of civil aviation and its mode of organisation had been influenced by national considerations of a general nature which, in certain cases, might be regarded as military considerations. That was why the Transit Committee had asked for a study of the relations between civil and military aviation.

In reading these studies (document C.339.M.139.1930.VIII), the members of the Co-operation Committee would have seen that the choice of the experts to which they had been entrusted had been based on no preconceived idea. The studies were signed by their authors and had been prepared on the latter's own responsibility. The fact that on certain points there was definite disagreement between the different memoranda was a proof of the complete liberty which had been left to the authors.

### III. General Discussion.

The CHAIRMAN thought that the fact that there was as yet no international public law on air navigation showed that much still remained to be done to ensure satisfactory co-operation between civil air-transport organisations. In order that the Committee might gain a clear idea of the scope of its work, he thought it would be useful to have a statement of the situation as regards international conventions relative to air navigation. As regards the question of the relations between civil and military aviation, it only concerned the Committee in so far as the development of military aviation might assist or hamper civil aviation.

The Chairman began by opening the general discussion on the position as regards international conventions.

M. ROPER said that he had been very glad to hear the three statements of General Balbo, Dr. Eckener and Colonel Lindbergh, which all bore witness to the necessity of international co-operation in aeronautics. This idea was certainly a familiar one to all the members of the present Committee, and one to which they attached great importance. For a long time past, it had been clear that either aviation would be international or it would cease to exist. To ensure this international development, both Governments and private individuals must come to agreements among themselves.

In response to the Chairman's desire, M. Roper then proceeded to make a statement of the situation as regards international conventions.

As early as 1910, the Congress of Verona had pronounced in favour of an international convention. A Conference was summoned for this purpose and endeavoured to draw up a draft convention but, unfortunately, with no success. Nevertheless, bilateral conventions were soon negotiated, notably the Franco-German Convention of June 1913.

Then the war broke out, and there was no further question of civil aviation. When the war was over, the idea of international co-operation once more came to the fore. A few weeks after the Armistice, the aeronautical experts at the Peace Conference proposed the creation of an Air Commission. This Commission was not, properly speaking, international, as it only included experts of the Allied and Associated Powers. No neutral or ex-enemy State was represented. This Commission endeavoured to work on an impartial basis and made a genuine effort to establish rules applicable to every country. The Convention which it elaborated in the course of a few months was signed on October 13th, 1919. Nevertheless, ratifications were received rather slowly, and it was not until three years later, in July 1922, that it was put into force. Fourteen ex-Allied Powers, and also Persia, were parties to the Convention.

Immediately after the signature of the Convention, the experts of the former neutral States (Switzerland, Denmark, Netherlands, Sweden, Norway) met at Copenhagen to examine the text and proposed certain modifications. The International Commission for Air Navigation (C. I. N. A.) created in virtue of the 1919 Convention, recognised the justice of the observations submitted by the neutral States and introduced into the Convention the modifications necessary to give them satisfaction. Thereupon Sweden, Denmark, and the Netherlands acceded to the Convention. Such was the situation when the third General Conference on Communications and Transit met at Geneva in 1927.

At this Conference, M. Herold, the delegate of Switzerland, pointed out that the international organisations dealing with air navigation were very numerous, perhaps too numerous, and he asked the League of Nations if it could not take steps to remedy this state of affairs. M. Roper thought, however, that the multiplicity of international organisations was more apparent than real; in any case, the situation had not changed much since, as could be seen by a careful examination of Government organisations, conferences of officials, and private organisations.

The Government organisations, apart from the League of Nations and the Pan-American Union, were two in number: the Conference on Aerial Private Law and the C. I. N. A., the former dealing with private law and the second with public law in regard to air navigation.

The Conference on Aerial Private Law was founded in October 1925. When the French Government thought it necessary to prepare a convention on aerial private law, dealing more particularly with the responsibility of transport undertakings, it thought of applying to the C. I. N. A., for the preparation of this convention. But, at that time, the C. I. N. A. comprised only twenty-one States, and a conference held under its auspices would therefore have left out the ex-enemy States and a large number of neutral States. The French Government wished, however, to convene a world conference, and frankly stated its wish to the C. I. N. A. The latter replied that it regarded itself as competent in the matter, but that it understood the reasons of expediency for which it was thought preferable not to entrust it with the task of preparing a



convention on private law, and requested the French Government to summon the Conference on Private Law, placing its Secretary-General at the latter's disposal. Forty-eight States were represented at this Conference, as a result of which a Convention was concluded. This Convention was revised at a second Conference held last year at Warsaw.

It was clear from the above that there was not an excessive multiplicity of Government organs. The only simplification which could be introduced would be the amalgamation of the Conference on Private Law and the C. I. N. A., but this hardly seemed expedient in view of the fact that eight or ten States parties to the Convention on Private Law had not acceded to the Convention of 1919 on Air Navigation.

As regards conferences of officials, they were only intended to have a provisional character ; the first was the Anglo-Franco-Belgian Conference held in 1919 to enable the Government officials of the three countries to settle a number of questions connected with the efficiency of the air services. When the questions within the competence of this Conference were submitted to the C. I. N. A., the members of the Commission representing non-European States said that these questions did not concern them. The meetings were therefore resumed ; the Conference now included the officials of eight countries of Western and Central Europe. It had adopted important regulations, notably regarding international wireless services, and it often served as a field of experiment for the C.I.N.A.

The first Mediterranean Conference, comprising officials of Italy, France, and Spain, met at Marseilles last month, and he need hardly emphasise its value.

Lastly, the private organisations each had a separate and definite programme. The International Air Federation was supreme as regards sporting activities, the establishment of records, etc. The International Air Traffic Association was an association of European operating companies for the purpose of examining questions of tariffs, time-tables, etc. The International Chamber of Commerce represented air-navigation undertakings and must obviously be allowed to deal with air-transport questions.

Lastly, congresses had been organised by Governments, such as the Hague Congress which was to be held in September 1930. Governments had a perfect right to convene these congresses, which did useful work. It might, however, be possible to hold them less frequently, because if there were too many they would be of no value.

The C. I. N. A. had been asked to revise the 1919 Convention. It was only to be expected that a Convention, concluded at a time when civil air navigation did not yet exist, should need to be revised at the end of ten years. In this connection, it might be said that, on the whole, the authors of the Convention had foreseen very clearly the lines on which civil air navigation would develop and the regulations which would be necessary. Nevertheless, it was essential to take into account the new political situation. In 1928, Dr. Wegerdt—a high official in the Communications Ministry at Berlin—drew up a full report on the situation and the changes which were desirable. After this report had been published and approved by the German Government, the C. I. N. A. held an extraordinary session in June 1929 ; this actually took the form of a Conference to which all countries had been invited. Seventeen States, which were not yet parties to the 1919 Convention, had been represented at the Conference. This procedure was somewhat different from that proposed at Rome by His Excellency M. Giannini, who had advocated the convening of a diplomatic conference. The solution adopted, however, had appeared to be the best, as it had been feared that a diplomatic conference would be a somewhat clumsy instrument.

The extraordinary session of the C. I. N. A. had been completely successful. A general Protocol had been adopted and signed by all the delegates ; only the American delegation had made certain reservations on points which were inconsistent with the internal constitution of the United States of America. That Protocol had already been ratified by France, Denmark, the Saar and Portugal, and other ratifications would no doubt follow shortly. The British Empire was to ratify in a few week's time, and its ratification would probably lead to others. On signing the Protocol, Germany had added that its final assession depended on certain questions which were not within the competence of the C. I. N. A. and were at present being dealt with by the Conference of Ambassadors (aerodromes in the demilitarised zone, control of aerodromes for tourist aircraft, etc.).

In addition to this general Convention there were two other Conventions ; the Ibero-American Convention and the Pan-American Union Convention. The Ibero-American Convention was the outcome of a Conference convened at Madrid in 1926 by the Spanish Government and was based on the 1919 Convention. There was no substantial difference between the two, except as regards equality of treatment between States. That difference would be done away with when the questions at present outstanding before the Conference of Ambassadors had been settled.

It was not surprising that, at the Havana Conference in 1928, the Pan-American Union should have drawn up a Convention differing to some extent, but not fundamentally, from that of October 13th. M. Roper thought that this Convention, which would become a regional one through the accession of the United States of America to the 1919 Convention, might be maintained. In any case, it would not prevent ratification of the 1919 Convention.

The CHAIRMAN said that M. Roper's explanations showed that each of the existing international organisations had its own particular work to do, and that the only change which could be effected would be to make international congresses less frequent.

As regards unification, the position was encouraging. In this connection, he would ask the members of the Committee whether they thought that important ratifications which had not yet been obtained would be forthcoming in the near future.

The SECRETARY OF THE COMMITTEE wished to point out that, in replying to that question, the members of the Committee would not bind their respective Governments. It would, however,



be helpful if members belonging to countries not parties to the 1919 Convention would, as far as possible, state their views as to the future.

M. ROPER said that he had based his hopes on the declarations made at the Conference in June 1929. On reading the Minutes of that Conference, they would see that the Spanish delegate, General Sorriano, said that, if the changes proposed were finally accepted by all Governments, there would be no need to maintain two Conventions: the Ibero-American Convention and the Convention of the C. I. N. A.

M. RUIZ FERRY said that Spain had not changed its views since General Sorriano's declaration, but there were certain difficulties in the way of ratification owing to the fact that Spain had no Parliament at the moment.

He then asked M. Roper whether it was not true that certain American countries were parties both to the C. I. N. A. Convention and the Convention of the Pan-American Union.

M. ROPER replied in the affirmative.

M. FISCH associated himself with the Chairman of the Committee in expressing the hope that there would soon be a common law relating to air navigation for all countries of the world, but he reminded the Committee that this was not one of the essential questions in the Committee's programme. Its primary task was to find a means of increasing international co-operation between air undertakings.

The CHAIRMAN agreed that the question of public air law was a secondary matter, but pointed out that any progress in international air law was bound to remove some of the obstacles in the path of economic co-operation between the various countries.

M. DE VEER stated that, owing to the wording of paragraph 4 of the new Article 15, serious difficulties had been raised in the Netherlands by Parliament and the parties concerned in regard to the ratification of the 1929 Protocol. That article restricted freedom of navigation. Under its terms, air-navigation companies were entirely dependent on the goodwill of the individual States, which might give one company authorisation to fly over its territory and refuse such authorisation to another. A national company or a company of an allied country could be protected. The article might prejudice the development of the great lines by requiring that the service from frontier to frontier should be effected by a national company, and even that passengers and goods should be assigned to it for conveyance by its national means of transport.

The Netherlands considered that that was an undesirable position and that such an article was not consistent with the object of the Convention, which was primarily to promote all forms of commercial air transport. In its memorandum on the draft law for the ratification of the Protocol of June 1929, the Netherlands Government had accordingly stated that the solution given in Article 15 (4) was very unsatisfactory.

At the Conference in June 1929, certain speakers had suggested complete freedom. That solution had naturally been rejected, seeing that freedom had to be restricted on logical grounds, such as the security and the public order of the individual State. As that proposal was turned down by twenty-seven votes to four, it was then suggested to allow freedom, subject to refusal of authorisation on reasonable grounds. That wording, which was too vague, had been rejected by eighteen votes to thirteen. The speaker felt that if a properly supported and very clear proposal had been put forward, the decision would have been different. He therefore suggested that the present Committee and the Committee for Communications and Transit should study the position and if they saw no difficulties in the way, should ask the C. I. N. A. to consider a more satisfactory and clearer wording.

Colonel ISLER said that Switzerland was about to accede to the 1919 Convention, and he hoped that by 1931 the Convention would have been ratified by all the States which had signed it. In view of the situation, he proposed that the Committee should wait a year before undertaking a thorough examination of the present position of public air law. He also wished to refer to a part of the proposal submitted by the Swiss delegation in 1927 and to request the Committee to see whether the international organisation of air navigation could be simplified in any way.

M. Roper had shown that the various Government or private organisations were doing good work. Each was, however, working independently of the others. It often happened that one organisation wished to know what was being done by another but could never be sure of obtaining that information. Thus, when the International Air Conference of Zurich, held in 1929, wished to deal with the question of salvage at sea, it had discovered that several organisations were concerned with that question. It had been obliged to get into touch with those organisations to find out whether they would agree to the Air Conference dealing with the matter, or with certain aspects of it, as well. That was one example out of many. Unless greater unification were effected, the progress of civil air navigation would be retarded.

M. FISCH said that M. Roper had explained the position of Germany very clearly. He need only add that his country's ratification was subject to certain conditions over which it had no control.

Sir W. Sefton BRANCKER said that, personally, he agreed with M. de Veer, who thought that freedom of air navigation was restricted to some extent by the changes in Article 15, made in 1929. The British delegation, with the support of Sweden, the Netherlands and the United States of America, had proposed that each country should have full freedom to establish airways in its territory, but that once those routes had been determined, all signatories should be free to fly over them just as ships were free to follow their course from port to port at sea.



He was convinced that, in regard to commercial air navigation, satisfactory results could be obtained only if freedom were allowed. Unity of control was necessary for the chief lines in order to ensure punctuality and to reduce expenditure to a minimum. He added that, in Great Britain, special importance was attached to that question.

M. ROPER pointed out that the discussion had touched on several questions.

In the first place, the Chairman had asked whether it was to be expected that the Convention of October 13th, 1919, amended in June 1929, would be ratified by all countries. In regard to that question, all the hopes which they had formed in 1929 had been confirmed.

Then M. de Veer had dealt with a very important problem relating, not to the number of ratifications, but to the contents of the Convention. He had said that the alteration of Article 15 made in 1929 had restricted the scope of the Convention.

He was not of the same opinion. The old Article 15 had one great defect; it was not clear. Moreover, it was imperative. It stated that: "The establishment of airways shall be subject . . .", while the new article provided that: "Every contracting State may make conditional . . .". Consequently, the new text afforded States which desired to accord a liberal regime every facility to do so. In short, the 1919 Convention, as amended, offered the contracting States definite advantages without requiring any sacrifices. It should also be noted—see Article 1 of the Convention—that no State had renounced its sovereign rights. That was doubtless due to the fact that, since the world war, Governments had had an acute sense of their responsibility in regard to national defence. The absolute freedom of the air involved much greater risks than the freedom of the seas. In Article 2, however, States had undertaken in time of peace to accord freedom of innocent passage above their territory to aircraft of all nationalities, but, frightened at what they had done, they hedged this clause round with so many restrictions that there was practically no freedom left. He was convinced, however, that, if a diplomatic conference were summoned to revise the Convention of June 1929, that conference would maintain Article 15 by an overwhelming majority.

He also thought that Colonel Isler was right in saying that it would be better to wait a little before undertaking a thorough investigation of the position of public air law.

M. CHAUMIÉ thought that public air law was tending to become protectionist and nationalist. There was no doubt that the amendments requested by certain countries had led to the adoption of a restrictive text and one that savoured of particularism. He was not in agreement with M. Roper on that point, and held a different view as to the scope of Article 15.

That policy was dictated by conditions of military safety and by the desire to do away with certain subsidies. At the present time, air navigation was able to exist only with the help of the taxpayers' money, and each country, by protecting its transport companies, was protecting its own budget. That state of affairs would disappear shortly; Governments would abandon this bargaining policy and a public law which could be regarded as only transitory.

The CHAIRMAN thought that it would not be possible for the Committee to reach definite conclusions on the matter until it had examined the main question on its agenda. He proposed, however, that the general discussion should be continued.

*The proposal was adopted.*

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## SECOND MEETING.

*Held on Tuesday, July 8th, 1930, at 3.30 p.m.*

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*Chairman : M. DE BROUCKÈRE.*

*Present : All those present at the preceding meeting.*

### IV. General Discussion (continued).

The SECRETARY OF THE COMMITTEE, at the request of the Chairman, gave a summary of the questions discussed during the previous meeting. The first question raised had been that of public law in regard to air navigation. The Committee seemed unanimously of opinion that it would be desirable for one single system of public law to apply in as many States as possible. The question had arisen whether an effort should be made to obtain as many accessions as possible to the revised version of the 1919 Convention. According to the statements made during the previous meeting, there was reason to hope that they could arrive at this result in spite of the difficulties mentioned. Colonel Isler had proposed that they should, for the moment, confine themselves to taking note of the declarations made, and should wait a year before studying the question of public law in regard to air navigation.

The Committee next examined an entirely different question, which arose in relation to the Swiss proposal of 1927. In his statement, M. Roper had made clear the respective characteristics



and powers of the various organisations existing at the present time. Each of them had a very definite rôle. The Committee was of opinion that there was no need to call for an alteration in this state of things. M. Roper had referred to the Conference on Private Law in Air Navigation. The Secretary of the Committee drew attention to the fact that here, as in other fields—in that of maritime navigation, for instance—the same distinction existed between the organisations dealing with private law and those dealing with public law. No difficulties had arisen as a result of that situation. Nevertheless, even if it were agreed that the various existing organisations were all working in a satisfactory manner, it had been suggested as perhaps advisable to set up an office which would to some extent play the rôle of clearing-house between the various organisations.

Thirdly, as regards the revised 1919 Convention, the question of freedom of navigation for regular lines had been raised. The Committee had decided to reserve consideration of that question until after having examined the economic development of air navigation. It would be of great interest to enquire into the possibility of a statute for air lines. Such a statute might be considered not only from the point of view of air navigation itself, but also from that of liaison with other means of transport. That basic question was most important and might be taken up again after the discussions on international co-operation and economic development.

M. MOLFESE said that he had carefully followed the explanation of the method that the Committee was to adopt for its work. He had listened with much interest to the views of the Secretary-General of the C. I. N. A. as to the unification of some of the organisations which dealt with various aspects of air navigation. He had expected that a careful enquiry would be conducted into the important questions raised in the reports which had been circulated to the Committee, particularly the economic position and the administrative and legal situation of air navigation. He had also hoped that the relations between civil and military aviation would be discussed in detail.

He had therefore been somewhat surprised to hear M. de Veer refer once more to Article 15 of the Convention of October 13th, 1919. M. Molfese did not think that any purpose would be served by repeating the reasons by which the existence of Article 15 was justified. That article had been thoroughly discussed, in its proper place, in June 1929, and in that discussion, not only the representatives of States which had acceded to the International Convention, but also delegates of States which had not acceded had taken part. Article 15, as it stood at present, had been approved by States much more numerous than those represented on the Committee. The conditions of equality which it provided for made it possible for the civil aviation undertakings of the small Powers to develop, by enabling them to establish themselves in future on conditions of equality with those of the greatest Powers—and equality was the true basis of any real collaboration.

In order to make such collaboration possible, and to ensure that due consideration would be paid both to States not represented on the Committee and to the C. I. N. A., M. Molfese hoped that the Committee would not return to that question, since it was not competent to deal with it. Indeed, any discussion on the matter might lead to disagreement, instead of promoting the co-operation that the Committee was expected to create in regard to very important questions which did not fall within the province of the C. I. N. A.

The CHAIRMAN replied that the limits of the competence of the Committee were a little difficult to define. It was somewhat premature to decide whether the more or less extensive permission given to companies to fly over various countries did or did not promote international co-operation. The Chairman proposed that the Committee should adopt the following method of work : it might first have a general discussion on the present position of international legislation concerning aviation. It could then take up the question of the relations between civil and military aviation, and the Secretary should take note of the various suggestions on that matter which might be submitted. Lastly the Committee might examine the reports and then carefully consider M. Molfese's statement.

M. PITTARD pointed out that the Committee could not exactly define the object of its work. An exchange of ideas between its members, assisted by the expert knowledge of the Secretary of the Committee, was necessary.

Should the Committee think a discussion of the Convention of 1919 advisable, such a discussion should not be confined to Article 15. For instance, M. Pittard himself did not accept the theories of the sovereignty of the State and the nationality of aircraft ; but he thought it was not necessary to undertake an examination of those questions.

There was, however, one other point with regard to which he was laying a draft resolution before the Committee. In December 1919, immediately after the conclusion of the Convention of that year, the Danish Government convened a meeting of all ex-neutral States not acceding to the Convention and having similar interests, to consider the text of the Convention. A more or less complete examination was carried out, and the C.I.N.A. had taken account of the desires expressed on that occasion. It would appear desirable to endeavour in future to obtain much closer co-ordination between the work of the various organisations dealing with questions of air navigation. Those organisations included a large number of legal committees whose decisions were not always in accord with each other. All members of the Committee desired to further the progress of air navigation by every possible means ; for that reason, M. Pittard's draft resolution suggested that the creation of an organisation for co-ordination should be placed on the programme of the Committee. Perhaps the time had not yet come to take a decision on the point. M. Pittard asked that his proposal should be taken into consideration with a view to examination later.



General KABA laid stress on the importance of the question of freedom of flight over the territory of various States, a question which had already been discussed at length at various meetings of all kinds.

As regards the unification of existing organisations, General Kaba pointed out that those organisations had largely contributed to the development of world navigation and were still of use for the future. He thought, therefore, that they should be maintained and should remain autonomous, but that means for ensuring the co-ordination of their work should be investigated.

The CHAIRMAN suggested that the Committee should take up the second question, that of the relations between civil and military aviation. General Groves had drawn up a report on that question which had been circulated to the members of the Committee (second part of document C. 339. M. 139. 1930. VIII).

M. SONDERMAYER drew attention to the fundamental difference between the view of General Groves, who thought that commercial aviation with a large carrying capacity was always equivalent to a weapon of war, and that of M. Oppikofer, who said that that was only true in cases in which civil aircraft were accompanied by fighting planes. M. Sondermayer thought that the Committee might go further into the question.

The CHAIRMAN said that it would be difficult for the Committee to arrive at a conclusion on that point, seeing that all its members represented civil aviation. He thought, furthermore, that certain confusion had arisen. It was not for the Committee to decide whether large aircraft might or might not have a military value. The question before the Committee was the following : Since the danger existed that civil aviation might be capable of being transformed into military aviation, to what extent could that danger be reduced ?

The Chairman thought that if complete freedom were given to the development of civil aviation the differences between the types of commercial and military aircraft would certainly continue to increase, and the difficulty of transforming material would therefore become greater.

M. FISCH thought that General Groves' report on the relations between civil and military aviation should be communicated to the Preparatory Disarmament Commission. The Committee, he thought, should leave military questions aside and confine itself to discussing the means of facilitating international air navigation and improving its economic situation.

Sir W. Sefton BRANCKER agreed with M. Fisch. Nevertheless, he thought the Committee must admit that, however great the differences which might develop between the types of commercial and military aircraft, a first-class civil air fleet could always be used for military purposes. An engine, for instance, must be regarded as a weapon of war. A civil aircraft could be transformed comparatively quickly into a military aircraft, but it took several years to produce a new type of engine.

Nevertheless, Sir W. Sefton Brancker agreed with M. Fisch that it was needless for the Committee to take up the study of this problem, which it was perhaps impossible to solve.

M. SONDERMAYER was afraid that if all delicate questions were set aside, on the pretext that the Committee was not competent to deal with them, the Committee would have nothing left to discuss.

General KABA pointed out that the relations between civil and military aviation had already been carefully studied. The Brussels Committee of Experts, set up by the Preparatory Disarmament Commission, had passed certain interesting resolutions on the subject, and the Preparatory Disarmament Commission itself, at the end of its sixth session in the previous April, had taken certain important decisions and would continue its work in December.

General Kaba wondered whether an examination of the question by the Committee would have any results worth consideration.

M. FISCH said that the Brussels Committee of Experts had declared that the development of civil aviation ought not to be hampered for military reasons. He thought the Committee might make that decision its starting-point.

The CHAIRMAN noted that there were two currents of opinion in the Committee. Certain members thought that a discussion of the relations between civil and military aviation would be useless and even dangerous, while others held that it was the Committee's duty to undertake such a discussion.

He declared the general discussion closed, and asked the Committee to proceed to consider the best means of developing co-operation between civil air fleets.

#### V. Summary by M. Bouché of his Report, entitled : "Present Economic Conditions of Civil Air Navigation" (first part of document C.339.M.139.1930.VIII).

M. BOUCHÉ desired very briefly to summarise a document, submitted for discussion, which the members of the Committee had before them. He had endeavoured, at the Committee's request, to show the real economic position of the world's air transport services so as to suggest practical conclusions. The last chapter of the report (Chapter IV) contained these conclusions. He did not claim them as his own ; his main concern had been to give definite shape to ideas and suggestions which were, to some extent, common property. At the same time, he was anxious that it should be recognised that such ideas and suggestions would naturally be prompted by the statement of the facts presented in the first three chapters of the report.



The first chapter made clear, by means of figures which showed both absolute and relative values, the place that commercial air navigation had secured in the world. He cited a few examples.

During 1929—twenty years after Blériot's feat—over 48,000 passengers had crossed the English Channel by air, while the goods imported or exported through Le Bourget aerodrome represented Customs receipts of more than 500 million French francs, to which must be added the 3,321 millions worth of gold imported by air.

Again, in 1929, the commercial aeroplanes and seaplanes of the seven chief air Powers had covered 66 million kilometres — a distance equal to 1,650 times round the earth. Over the 200,000 kilometres of airways in the whole world, 620,000 passengers and 15,000 tons of freight were transported in accordance with fixed time-tables.

These figures were striking. They were, however, still very small when compared with the figures for longer established means of transport.

Aeroplanes were still an almost negligible quantity as regards the development of the world's resources. Still less had they made their influence felt, not merely in trade, but in the ordinary man's daily life. In the United States of America, there was a motor-car for every four inhabitants and an aeroplane for every 12,000 ; in Europe, there was less than one aeroplane for every 100,000 inhabitants.

The reason was that aeroplanes were still very far from having accomplished all that was expected of them. Neither their speed for *commercial* purposes, nor their regularity, safety, nor working costs were as yet satisfactory. Chapter II sought to establish this.

Speed was clearly the aeroplane's chief asset. It was, however, only secured through the observance of such exacting technical conditions, and of technical principles of such a nature, that, when sacrifices, such as public services require, were made in the interests of safety, the speed of aeroplanes for practical commercial purposes was very different from their theoretical speed. In the case of most European airways of less than 1,800 kilometres, there was not as yet any advantage, if the time saved was the only consideration, in travelling by aeroplane over routes for which there were excellent services of express trains, running both by day and night ; for, by spending a night and a day in a comfortable Pullman car, the traveller reached his destination at the same time as if he had gone by aeroplane, flying only by day. There were, of course, night air services, but their safety was usually ensured at the cost of regularity. Except in the case of a few short experimental routes, which had been opened over countries in which flying conditions were easy and economic life highly organised — and in which such routes were consequently of little value — a reasonable measure of safety in air traffic by night could not yet be guaranteed. This being so, aeroplanes lost by night the ground that they gained by day. If the journey they had to make were one of less than 800 or 1,000 kilometres, it was quite clearly better for very busy men — men whose time was precious — to spend the evening, night and early morning in travelling, the time when aeroplanes offered them unsatisfactory services or no service at all. Where postal and express goods traffic was concerned, the question was different and the Committee would deal with it later but the general principle held—namely, that from the commercial point of view *speed was no consideration in itself, while the services rendered by speed were all-important.*

The statistics of the regularity of air transport services were most impressive. They showed between 90 and 99 per cent, or even 100 per cent, of journeys up to time. The best managed railways could not do as much. The reason was that in France, for instance, a train was regarded as late if it arrived at the terminus more than a minute after the hour stated in the time-table, whereas an aeroplane was regarded as up to time if it reached its destination " within twice the time stated in the time-table ". This definition of regularity was, moreover, the strictest ; in most European countries, and also in the United States of America, a journey by air was regarded as " up to time " if the aeroplane completed a fixed stage " within the day on which it set out on the stage ". Within these very generous limits, the regularity of aeroplane services was steadily improving, but it was still slight. Still less was there real punctuality or a really permanent guarantee of service, for aviation was closely dependent upon atmospheric conditions and — more generally—upon the season.

Reasonable safety had not yet been achieved. The official particulars consulted in drawing up the report showed that passengers by air run a " risk of death " 1,060 times greater than passengers by railway, and a " general risk of accident " 160 times greater. It had also had to be recognised in the report that, in most cases, the proportionate risk in air travel remains practically stable. This was due to extended services—in respect both of distance and time—which were perhaps over-ambitious, and which involved additional risks to offset the advance that had unquestionably been made in " technical guarantees " of safety.

As to working costs, these were still very high, and there would be no question of lowering them by foregoing any particular feature of aeroplanes (which needed to the full all the advantages that they had). There might perhaps be some improvement as a result of aviation on a very big scale, through the use of much larger machines than at present, but, even so, the regularity and safety of such aeroplanes, and the services rendered by them, must be sufficiently real and patent to secure a larger number of passengers, without which very larger aeroplanes would only mean greater waste.

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The conditions being still so precarious, aeroplanes competed but feebly with — and did not cause the least anxiety to — the European railways with their fast and frequent services, which, moreover, were capable of an immeasurably greater daily output.

In some countries — especially " new " countries — ill-equipped with railways, roads, etc., but active — the aeroplane already rendered such services that its true price could be charged and



obtained. In Colombia, Persia and New Guinea, there were flourishing air transport undertakings. In Australia, the greater part of South America, and the Dutch East Indies, economic geographical conditions were such that aeroplanes might rapidly revolutionise traffic, and even the general conditions of life. In all these countries, consequently, owing to the special circumstances, aided by competition, air transport would very soon be definitely established—to the advantage of the communities concerned.

In Europe, however, the economic position of commercial air navigation was, it must be admitted, much less impressive. Statistics showed, no doubt, a steady increase in traffic, but the Government subsidies granted to the undertakings were, on the whole (as would be seen from the figures and graphs in the report), increasing equally steadily, and sometimes even more rapidly.

There were many reasons for this slow progress: The “watertight” character of the different national services; the small amount of traffic on long-distance journeys; over-powerful national air navigation industries, which were unable to live within their own territory; excessive competition on the principal traffic routes between subsidised companies, who thus neutralised their efforts—which here, at least, might be successful—the cost of the struggle being borne by the taxpayers. Such, in brief, were the contents of Chapter III.

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The various international organisations faced with the difficult problem of air transport had already been able to create a favourable atmosphere for co-operation. Such co-operation might first of all take the following forms, which were specified in Chapter IV.

*Equipment of the areas flown over*—the aim in view, in the case of Europe, being the creation of as close and complete a ground organisation for aeroplanes as in the United States of America, which would make flying by night and by day equally practicable.

*Co-operative working*—on air lines of general interest (“essential” air lines); the necessary credits for equipment and experiments might be taken out of the total subsidies at present granted to the traffic.

*A more rational organisation of air-mail*—particularly in Europe; the working-out of a general express tariff, under which advantage would be taken of every means of transport—air or otherwise—thus guaranteeing the *maximum service*.

*A systematic use of combined transport*—a sphere in which, as must be admitted, aeroplanes already do much to secure more rapid deliveries, but in which they would render still more valuable services by not seeking (against commonsense) to render these services alone.

*Creation of a “common fund” for commercial air navigation*—at any rate, for Europe—by international agreement and by drawing upon the annual subsidies granted to the traffic. This fund would be mainly employed in the carrying out of the above programme.

There were also certain other possible methods of co-operation—in the all important field of documentation (a non-commercial European service for the supply of authentic information on air navigation; the publication of an “International Time-Table of Express Transport Services”), in the technical field (adoption of “free-trade” principles in regard to air navigation, international competitions between commercial aeroplanes), in the financial field (the possible creation of a European banking organisation, entrusted with the management of the “common fund” on behalf of the air navigation companies or even of all the express transport services).

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M. Bouché said that the report concluded by drawing attention to the fact that the problem, which has hitherto been examined only in its technical and economic aspects was—only too clearly—also a political one.

The CHAIRMAN said he was sure the Committee would be unanimous in congratulating M. Bouché on the very remarkable summary of the report that he had given.

## VI. Summary by Dr. Oppikofer of his Report, entitled: “International Commercial Aviation and National Administration” (third part of document C.339.M.139.1930.VIII).

Dr. OPPIKOFER said that the object of the report that he was submitting to the Committee was to analyse the problems of administrative law which aviation raised in international systems of law.

He merely desired to lay stress on one of his conclusions. The problems which had been raised could be divided into two categories:

(1) Problems concerning the technical rules for the admission of aircraft to air traffic, wireless regulations, transmission of meteorological observations, etc., the uniform international regulation of which would be possible, and might be dealt with by a worldwide convention. But even if the various States did not succeed in concluding a general convention, the future of international commercial aviation would not be endangered, for the national systems of law might adopt—and, indeed, in practice, almost everywhere adopted—such provisions with a view to the solution of these various technical questions;

(2) Problems connected with legal relations and, in a general way, questions which could not form the subject of international regulations. The meeting of the C. I. N. A. had shown that the greater the number of States acceding to a convention the greater also the number of reservations made. One single convention was undoubtedly insufficient. Countries whose interests were similar should conclude agreements with each other.



Nevertheless, Dr. Oppikofer thought that the jurist should not come in until later, and that his rôle would consist merely in establishing regulations which had been proved useful by commercial practice.

The CHAIRMAN thanked Dr. Oppikofer for his statement.

**VII. Summary by M. Cacopardo of his report entitled : "Principles of International Public Law applicable to Air Transport "** (fourth part of document C.339.M.139.1930.VIII).

M. CACOPARDO began by stating that his task had been lightened by the statement made by M. Roper during the previous meeting. His memorandum had dealt with the present position as regards the principles regulating international air traffic, and was based on an examination of the Conventions regulating this matter, which were already numerous. He then gave a summary of his memorandum and drew the special attention of the Committee to the conclusion of the report (pages 198 *et seq.*).

The three annexes to the report showed what a considerable number of States were at the same time parties to collective conventions and signatories of separate agreements for the purpose of establishing closer relations with each other.

M. Cacopardo pointed out that one chapter of his memorandum had dealt with the special position of aircraft which might be used by the League of Nations in time of emergency, and laid stress on the importance of aviation in the working of the machinery provided in the Covenant of the League in case of danger of war. That chapter had not been inserted in the document communicated to the Committee.

The CHAIRMAN thanked M. Cacopardo for his statement.

The SECRETARY OF THE COMMITTEE, referring to the chapter in M. Cacopardo's report which had been omitted, said that the memorandum in question had been extremely useful in the discussions which had taken place during the meetings of the Advisory Committee for Communications and Transit and of the Committee on Arbitration and Security. He explained that the chapter had not been inserted in the proofs of the report submitted to the Committee because, since the time at which it had been drawn up the position of the problem had changed and the changes would have to be recorded in a summary of the general situation.

The CHAIRMAN asked M. Cacopardo to be so good as to make the necessary alterations in the chapter under discussion, which would be published in the final edition.

M. CACOPARDO said he was prepared to carry out that work.

The CHAIRMAN observed that the Committee had heard the authors of the different reports submitted to it, and laid stress on the exceptionally great value of these reports.

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THIRD MEETING

*Held on Wednesday, July 9th, 1930, at 10 a.m.*

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*Chairman : M. DE BROUCKÈRE.*

Present : All those present at the preceding meeting.

**VIII. General Discussion** (continued).

M. SONDERMAYER said that, while he had listened with interest to the at times disagreeable truths contained in M. Bouché's statement, he considered that the efforts of transport companies to reduce working costs had often been carried so far as seriously to impair the safety of services. No doubt amortisation and the upkeep of aircraft were among the heaviest financial burdens of a company and could the most readily be lightened. It was usually easier to make inspections and repairs at less frequent intervals than to reduce a large staff. It was done, however, at the sacrifice of safety, and M. Bouché's report made it quite clear that insecurity of transport was the real evil of air traffic. It was not immaterial to the safety of the service whether engine inspections took place once every 150, 200 or 300 hours, or whether the aircraft should be maintained and operated by a fresh or a tired staff. M. Sondermayer could mention a large European company which, being over-anxious for profits, applied simultaneously all the economic "remedies", including the dual principle of "driving the aircraft to the utmost limit and over-working the staff". As a result, four aeroplanes were destroyed in one month. Safety was the principal aim, and if civil aviation attained it, the public would favour this means of travel, while, at the same time, the other aim — namely, profitable working — would be attained as the tariffs could be raised. At the present time,



in view of the reluctance of the public to travel by air, the air transport companies were obliged to reduce their tariffs, and that was the principal cause of the meagre returns. It was too early as yet to regard commercial air traffic solely from the point of view of financial gain, and that was the direct cause of the decrease in safety. Moreover, as commercial aviation was international, the fundamental rules of safety could not be allowed to be interpreted and applied differently by the various companies. M. Sondermayer believed that the Committee, after hearing and discussing the report on present economic conditions in civil air traffic and after considering the problem of progress in civil aviation, should give its entire attention to increasing safety by international co-operation.

As regards increases in receipts, M. Sondermayer confidently anticipated further technical progress in the near future. Many improvements had passed from the theoretical to the practical stage, but patience was still required.

There was, however, one method indicated by M. Bouché which should be boldly adopted—namely, night flying—the perfect organisation of which was now possible in view of technical developments in aviation and the use of night beacons. The Committee should endeavour in every way to concert practical measures which would enable such night-flying services as were essential to be organised as quickly as possible on the principal European international routes.

M. ALLARD wished to read out the conclusions which he had drawn from a journey made two years ago for the purpose of studying air transport in the United States of America. The success attained in that country was principally due to the following reasons :

- (1) Long-distance transport ;
- (2) Intensive advertising ;
- (3) Day and night flying ;
- (4) Guaranteed regularity by means of a well-planned and highly developed ground organisation ;
- (5) Increased safety through ground organisation, which included appliances making flight possible in all weathers ;
- (6) Uniform postal surcharges ;
- (7) No formalities required from passengers ;
- (8) Better adaptation of aircraft to commercial purposes through the separate organisation of postal and passenger transport.

It was inconceivable that in Europe, which was approximately of the same size as the United States of America but had a population four times as large, air mail routes could not be established on a profitable basis. A European agreement would make it possible to stop the decline in postal transport in the same manner as in the United States of America.

M. Allard dealt separately with the conditions for successful working which he had mentioned :

*Long distance traffic.*—In principle his proposal was to endeavour, by the establishment of air services, to link up the capitals of various European countries, and, in the case of very large countries, the important traffic centres on those services. Every country concerned would undertake the deliveries within its own territory.

*Advertising.*—The execution of this plan, combined with joint advertising, would certainly bring air transport before the notice not only of business men, but of the general public.

*Ground organisation.*—Each country should be responsible for the ground organisation in the section of the route passing over its territory. The necessary financial assistance would be given to countries too poor to undertake that work. A European committee of technical experts would have no difficulty in agreeing on the installations to be made for ensuring a regular and reliable service. The Committee would meet periodically to provide for the practical application of improvements that would shortly be required in ground organisation.

*Surcharges.*—A uniform surcharge — *e.g.*, 1 Belgian franc per 10 grammes for the transport of letters and postal parcels would not be prohibitive, while it would be sufficient to make the operation of the proposed service quickly profitable. If the average distance for the transport of letters in Europe were assumed to be 1,000 kilometres and the transport cost were fixed at 40 Belgian francs per kilometric ton, including the company's profit, the surcharge applicable would be 0.40 franc per letter of 10 grammes. The time saved over this distance in comparison with the commercial speed of trains would be appreciable and might lead to the despatch of all postal matter by air. The important point was to ascertain whether the postal traffic was sufficient to ensure a relatively large amount of freight for the aeroplanes.

*Saving of time.*—According to an average established on the principal European routes, the saving of time would vary between 66 and 79 per cent. It would, however, often be relatively higher. For instance, in the case of night journeys of 1,300 kilometres there would be no loss of time, as the journey would take at least an entire day by the normal route.

*Operation.*—The operation might be in the hands of a single company or various companies supported by their Governments and working under a system of "pooled receipts". In either case, direct subsidies from the Governments would be abolished. During the first two or three years, however, the Governments would be obliged to assist by means of indirect subsidies.

Some countries might be afraid of a decline in their air traffic through the establishment of a single company. Operation by various companies would overcome that objection. In the case



of multiple companies, the allocation of traffic would have to be submitted to a "postal committee". In the third place, by separating postal matter from other classes of traffic, all Customs difficulties would be abolished. Finally, should any country apply a censorship, it could still continue to do so.

International mail transport in Europe amounted to 5,000 tons per year, or about 13.8 tons per day. If a commercial load of 250 kilogrammes were assumed for each aeroplane, 55 aeroplanes would be necessary for distributing the European mail.

The CHAIRMAN requested M. Allard to submit to the Committee later a draft resolution supplementary to that submitted by M. Bouché, which would be distributed (Annex 2).

M. PITTARD wished to deal more particularly with the question of insurance, which appeared to him not to have been sufficiently fully considered in the report, and which was at present a matter of great anxiety both to the companies and to the Governments. Insurance was indispensable, because no air company could run the risk of engaging in traffic not covered by insurance. Apart from material safety, insurance constituted a valuable moral guarantee for the public and tended to attract it more and more towards air traffic. At the present time, the position as regards insurance was that some countries insisted on it while others did not. In Switzerland, for instance, it was essential to have an insurance policy, or a bank guarantee or some other guarantee. A further complication arose from the laws on the nationality of insurance. In Switzerland, an insurance company must be domiciled in the country itself so that an aeroplane arriving at the Swiss frontier had to show that it was insured with some company holding a concession in Switzerland. It was therefore necessary to adopt a system of international insurance, that is to say, to establish a reinsurance organisation, or an international insurance office assuming this responsibility, as was done, for instance, by automobile clubs under the triptych system. In this connection, M. Pittard pointed out the successful results obtained in Spain by mutual air insurance. In his opinion, the solution of the financial aspect of the safety question lay, not in national, but in international insurance. It was sometimes difficult to reconcile different policies, but, on the other hand, it was always easy to adjust financial policies. He proposed that the Committee should pass a resolution in favour of unifying air insurance on the lines of international reciprocity.

As regards the question of postal surcharges, he considered that the lower the charges the greater would be the use made of the air post. It was the abolition of air traffic surcharges that would make air transport profitable.

The CHAIRMAN requested M. Pittard to submit a draft resolution in the sense of those remarks.

M. FISCH, referring to M. Allard's suggestion as to the possibility of carrying all the European international mail by air, observed that the weight of the mail subject to surcharge would have to be calculated, and it should be considered whether all this mail could at present be carried by air. Would letters alone be carried, or parcels as well? How should the distinction be made between articles to be transported by rail and by air? In his opinion, the weight would be too great to transport all the mail without surcharge. That seemed to him a question for the various postal ministries, and it was difficult to discuss it without postal experts. The question of night flying also presented difficulties. Possibly such discussions might take place as a result of M. Allard's report at the meeting to be held at Brussels.

M. BOUCHÉ wished to submit some figures illustrating M. Allard's proposals regarding postal traffic in Europe. In the United States of America, after eight years of systematic effort, the daily postal freight consisting of part of the first-class mail amounted to a little less than 8 tons per day over an air system of 24,000 kilometres, on which the daily journeys amounted to 55,000 kilometres. As regards Europe, no more than one or two tons of daily traffic could be anticipated for the next few years.

The CHAIRMAN, referring to M. Pittard's remarks regarding surcharges, observed that the fee charged on letters covered an important feature — *i.e.*, delivery to the addressee — and this, he thought, cost more than the actual transport. Moreover, postal administrations usually worked at a loss, and if they had more letters to transport the only result would be to increase the deficit. Most of the postal administrations, therefore, should surely not undertake a more costly form of traffic unless there were a distinct saving of time; and that saving of time should be regarded from the point of view of delivery: there was no real saving if the mail arrived at 7 p.m. instead of midnight. It would be worth while to confine the enquiries to particular cases of transport which would, for instance, enable a whole night to be gained.

M. CHAUMIÉ pointed out that first-class mail included various categories. Some postal matter did not require speedy transmission, and the users would never agree to pay any surcharge whatever on it. There was therefore a first category of freight which would go by air mail only if no surcharge had to be paid. Those members of the Committee who had to regard the matter from the point of view of their Governments and not from the theoretical point of view were not inclined to give up the freight which would bring in the greatest returns and would enable the very heavy subsidies at present granted by the Governments to be decreased. With a view to propaganda and in order to accustom the public to use this means of transport to an extent which did not yet exist, or in order to start a new air route, no surcharge might be made on the traffic for a time, but normally the classes of postal matter requiring rapid transport should be subject to a surcharge as payment for a valuable service. By successive eliminations, the mail subject to surcharge would be gradually reduced. There were other factors to be considered. It must be borne in mind that for certain



distances there would be competition between mails sent by air and those sent by rail. In that case the surcharge must be calculated on the basis of the ordinary postal rate. On the other hand, for long distances, such as from London to Constantinople, if the mail were transported in one day the air traffic would compete, not with the postal, but with the telegraphic service. A service such as that suggested by M. Allard might be conceived with a series of stops, or there might be a direct mail crossing the whole of Europe and even further, and that would compete with the telegraph service.

M. FISCH agreed in general with M. Chaumié on the necessity of regarding air traffic as in competition, not only with the postal, but also with the telegraph service. That competition would only exist, however, if aeroplanes were capable of performing long journeys with the necessary speed and safety. That condition did not exist at present, and so long as the public had no absolute guarantee in that respect the aeroplane could not compete with the telegraph or even with the railway. The case was perhaps different in the United States of America, but in Europe, at any rate at present, the carriage of passengers should not be neglected, as at present they brought the greatest revenue to civil air traffic.

M. BOUCHÉ observed that they must not over-estimate the possibilities of postal traffic in Europe. Investigations made by the C. I. N. A. between France and Czechoslovakia had shown that the weight of the international mail was almost negligible, and, as far as M. Bouché remembered, was about 10 kilogrammes a day.

The SECRETARY OF THE COMMITTEE wished to draw attention to certain points in Dr. Oppikofer's report which had not yet been sufficiently emphasised. That report showed that there was a certain amount of confusion in the present state of international law as regards the conditions governing the registration of aeroplanes in the various countries. According to the original text of the Convention of 1919, the Governments were obliged to register and give their nationality only to aeroplanes belonging to their own nationals or to clearly specified national companies. Since June 1929, under the new rules, the matter was referred to the laws of the individual countries, most of which appeared to impose conditions somewhat similar to those of the original text. That was a question which should be studied, not with a view to an immediate result, but in order to ascertain how to anticipate what developments would take place. The requirements of international co-operation might possibly require closer communications between the national companies and greater freedom in the use of aeroplanes irrespective of nationality. Even if operation by an international company were conceivable, jurists could at least be asked not to impede a possibly necessary development for the sake of a legal theory laid down in a text. If Governments agreed to assist the establishment of a company with a certain international character, that ought not to be prevented by laws which had never been intended to prevent it. At the present time, air traffic could not possibly be treated in the same manner as motor traffic. It would be useful for the future to consider how the law might follow that development instead of impeding it.

Dr. Oppikofer's report also referred to the question of overseas air traffic. It might be advisable to consider whether a somewhat special statute might not be anticipated for purely "maritime" air traffic by placing it under a system somewhat similar to that of maritime navigation in the strict sense of the term.

Dr. Oppikofer's conclusions on the question of pools or profit-sharing companies should also be noted. It might be possible, among the problems to be studied, to consider how to extend gradually the system of co-operative operation.

Finally, Dr. Oppikofer's report dealt with the complex question of air traffic in times of emergency and war. It was noted in the report that international law on that subject imposed more restrictions, or was more defective, than in respect of other methods of communication. That was evidently due to the circumstances in which the existing laws were drawn up, but, in their anxiety for safety, the Governments had certainly gone further than was necessary or than they themselves had intended. That was also a question to be considered, although the Secretary of the Committee did not express an opinion as to the urgency or expediency of investigation.

The CHAIRMAN requested the Secretary of the Committee to draft, jointly with Dr. Oppikofer, a text which would be discussed later.

M. ÅNGSTRÖM made the following statement :

It would be very difficult at the present time to find suitable means for establishing effective economic co-operation between the civil air traffic existing in the various countries. As regards Sweden, there is already very close co-operation, for instance, with the Dutch Company K.L.M. and the Finnish Air Traffic Company. It is hardly possible to develop this co-operation further at present.

On the other hand, it appears important to point out that the postal administrations of the northern countries have organised an experimental night air mail service between the northern capitals and London and Paris, for two months each year and for two years. The postal administrations of the northern countries, — *i.e.*, Denmark, Finland, Norway and Sweden — are at present considering ways and means of extending this night service.

As regards the air mail service, the conditions for better international co-operation are very favourable from the postal and economic points of view. I therefore venture to propose that the



Committee decide to consider whether a European office should not be established for the night mail service. The work of this office would be :

- (1) To draw up a scheme for the establishment of postal routes in Europe which shall be of practical value from the technical and economic points of view ;
- (2) To endeavour to bring about postal agreements with a view to the development of the air mail service in Europe ;
- (3) To make technical recommendations with a view to arriving at a joint plan for extending the night air mail system ;
- (4) To establish a technical construction programme for mail aeroplanes flying at night ;
- (5) To institute a technical enquiry into the possibility of establishing a single international company to operate the European night mail service.

M. Ångström apologised to M. Allard for submitting this statement, which had been drawn up before the Committee had heard the latter's remarks.

The CHAIRMAN thought that M. Ångström's suggestions might be brought into line with those of M. Allard and perhaps also with those of Colonel Isler.

M. CHAUMIÉ said he would be very glad if a committee could meet to consider the European mail questions raised. The experiment just mentioned by M. Ångström formed one of the best conceived plans that they had had to examine for a long time, but the problem of European air mail services seemed to M. Chaumié most difficult to solve. In small European countries with a network of express train services, the speed demanded of aeroplanes to render them really useful would have to be considerable, although it varied according to the different regions. In Europe, a commercial average of 140 kilometres was often almost a minimum. In order to obtain practical results, night flying should become general, and that would require a ground organisation such as had been referred to and a degree of technical progress in safety which had not yet been reached. The case was different for inter-continental traffic ; it competed with shipping, which was relatively slow. Even now, aircraft were available which could carry mail at a considerable saving of time and at a profit. For that traffic the problem could be solved now. The Committee should lay it down that no nation in the world had the right to monopolise a form of transport which performed useful services for all countries. The solution was to be found in an international company or in operation on an international scale in the interest of all the countries of Western Europe. As regards an international company, difficulties were encountered in internal and even in international laws. Imperfect though the pool system might be, it could be improved, and, in particular, it would accustom the organisations of the various countries to carry out collective work and would create the atmosphere necessary for future achievements. As a good European, M. Chaumié did not conceive of future air connections with other continents as having any but an international form, and it was the duty of the Committee to ascertain whether, at any rate, a first step could not be taken towards this end.

The CHAIRMAN requested M. Chaumié to draw up a resolution in the sense of his remarks.

Colonel ISLER considered that in order to facilitate international co-operation in civil air traffic there were two important problems to be considered, although he did not demand that they should be solved during the present session :

- (1) By what means would freedom of reciprocal commercial transit be arrived at under certain conditions of supervision, while excluding a transit monopoly ?
- (2) Was it possible to consider the establishment of an international plan for the ground organisation of routes ?

M. FISCH thought that all were in agreement with M. Chaumié on the necessity of working in an international spirit. He added that, at the present time, the pool system had been adopted by the companies of various countries. The plan of forming an international operation company for the main European routes, as suggested by M. Allard, M. Chaumié and the Secretary of the Committee was not yet ripe, and, at present, if practical work was to be done, a study of the pool system would seem to be the best.

The SECRETARY OF THE COMMITTEE observed that he had not expressed any opinion either for or against an international company, which, at that moment, appeared to him impracticable. What he had said was that if, at some future time, the usefulness of a company with an international form or a company common to several countries were considered, it would be desirable to begin making the necessary legal preparations now.

M. PITTARD considered that the principle of the nationality of things was at present a much discussed question, and he thought that it did not constitute an insurmountable obstacle. The principle was intended to meet fiscal requirements, which were of a secondary nature, and, in particular, legal requirements as regards form and powers. It had already become a commercial practice to form companies with a number of domiciles ; that was an idea which should now find expression in municipal and international law. As soon as aviation companies existed with legal domiciles in a number of countries, the international company contemplated would have come into existence. Moreover, questions of nationality should not be raised in regard to an aircraft, which was not a subject at law ; the case was different for ships. An aircraft should be assimilated, not to real estate, but to other objects of personal estate ; if it was required to show colours, that was



with a view to questions of responsibility ; the nationality of the aeroplane was unimportant. In short, the Committee should not regard an international company as impracticable, although its establishment might prove difficult and complex.

The SECRETARY OF THE COMMITTEE, while questioning whether passenger air traffic came within the jurisdiction of the Committee, thought it was not a problem that could be ignored. The existence of registration laws appeared hardly consistent with the development of passenger air traffic. In fact, the position of passenger aeroplanes was somewhat similar to that of motor-cars, and there were a number of problems to be investigated in that connection. He drew attention to the mention made of the question in Dr. Oppikofer's report.

Dr. OPPIKOFER noted that, in the question of air routes, the point of view of the undertakings alone was considered, whereas, it was also necessary to study that of the users, whose interest lay in respect for the laws of free competition ; if it were decided to link up various companies into an international undertaking, the advantage of the law of free competition and the incentive it would give to the activity of various companies would be lost. In the present state of affairs, he thought the time had not come to advocate a fusion of the various undertakings or the formation of an international company. In the first place, it was necessary to agree upon the meaning of these terms. It might be possible to consider a fairly loose co-operation of the companies, by means such as a system of pooled receipts, which, as had been seen, had already been applied. At present, it was impossible to follow the same course in commercial air traffic as in industrial undertakings.

M. CHAUMIÉ noted that air traffic was not on a free economic basis but was an entirely artificial traffic maintained by State finance. Competition in that field was not really commercial in character, but was rather a question of national prestige, although to some extent one country might be afraid of a foreign company robbing it of part of its possible revenue.

M. OPPIKOFER agreed entirely with M. Chaumié's remarks. There was, at present, no commercial competition in air traffic as in other industries, but a competition of nations, and an agreement between the nations was undoubtedly necessary in order to develop commercial air traffic. Serious difficulties might arise, however. In a small country such as Switzerland, companies might be mentioned which had a real commercial basis. There was no very evident legal means of making the necessary allocation of services or of deciding which route should be operated by which company. It was therefore necessary to wait until the companies themselves felt the need to come to an agreement and form pools ; that was a commercial problem and not one for legislation.

The CHAIRMAN pointed out the paradoxical situation ; companies were at present dependent on Governments, who were jealous of each other, whereas, if the companies were purely commercial in character and dependent principally on their revenue, they like all other companies, would certainly be led to form greater international combines. As the duty of the Committee was to encourage co-operation in civil air traffic, that is to say, to facilitate such formations, the first question to be considered was how to allow air traffic companies to follow more commercial methods. He asked whether the Committee thought it advisable to exchange views on this subject, taking concrete cases where operation would be possible at prices which would be at any rate comparable with working costs.

M. CHAUMIÉ considered that, in the present state of affairs, the only assumption under which it could be hoped that the companies would form a European group in order to pay their way would be the maintenance of big inter-continental connections. With such traffic, they would render services which might reasonably be expected in the fairly near future to bring in receipts for transport sufficient to cover working costs. It was on the inter-continental lines that the need for greater commercial freedom would bring about the co-operation that was essential, and the Governments that subsidised various companies, were already aware of that fact. For example, France and the Netherlands had important colonies in the Far East, but relations with the Far East were of economic importance to the whole of Western Europe, and M. Chaumié believed that the route to which he referred could, he hoped, in the near future be exploited by some form of co-operation. Such co-operation, however, would be afforded by the whole of Western Europe and not by one or two individual countries.

The CHAIRMAN was glad to hear it said that a number of air routes would shortly prove commercially profitable. The Committee should apply to those routes its efforts towards international co-operation. He asked all the members of the Committee who had made suggestions to draw them up in writing and communicate them without delay to the Bureau, so that the Committee might have a collection of documents and drafts to study and collate. The documents would be distributed at the beginning of the afternoon and would immediately be brought up for discussion.



## FOURTH MEETING

*Held on Wednesday, July 9th, 1930, at 3.30 p.m.*

*Chairman : M. DE BROUCKÈRE.*

Present : All those present at the preceding meeting.

### IX. Draft Resolutions.

The CHAIRMAN, opening the discussion on the draft resolutions, stated that he had before him the Rapporteurs' drafts and the amendments of other members of the Committee. He proposed that the Committee should first consider the Rapporteurs' proposals and should then pass on to the amendments.

He pointed out that the discussion was in the nature of a first reading, and opened it with M. Bouché's proposals (Annex 2).

#### (a) PROPOSALS BY M. BOUCHÉ.

M. BOUCHÉ stated that he had been under a misapprehension as to the nature of the draft resolutions requested by the Chairman. The document he had drawn up did not contain all his conclusions. He apologised for having to read several supplementary draft resolutions, but he could not allow it to be thought that the conclusions to which he attached chief importance were included in his proposals.

The CHAIRMAN stated that all the supplementary proposals would of course be taken equally into consideration, as the final draft of the resolutions was reserved for the second reading.

M. FISCH observed that several draft resolutions might refer to the same subject. It might therefore be inconvenient to discuss all the proposals separately.

The CHAIRMAN considered that that remark was very apt. He therefore proposed the following procedure : the Committee would discuss the Rapporteurs' drafts ; during the discussion, the authors of amendments could submit their remarks, which would be considered at the same time. At the end of the Committee's work, the final drafts could be suitably classified.

M. BOUCHÉ read new proposals (Annex 3) following that contained in Annex 2.

The CHAIRMAN observed that M. Bouché's proposal consisted of two parts, an introduction, and a number of practical suggestions. He asked the Committee to adopt the introduction.

M. BOUCHÉ proposed that, in his introduction, the word "considers" should be replaced by "suggests".

M. ROMEIN ventured to ask to whom, in that case, the Committee made the suggestion.

M. CHAUMIÉ replied that the suggestion would be made to the Committee for Communications and Transit.

The CHAIRMAN stated that the Committee would then be abandoning the question altogether and such did not appear to be M. Bouché's intention, as he provided that the Committee, at its future sessions, would be responsible for the organisation. Would it not be possible to word the introduction as follows :

"The Committee considers that, in order to take due account of the international character of air transport and of its still precarious position, a programme of co-operation *must be* drawn up . . ."

He would like to ask M. Bouché for an explanation. He had followed the Committee's work with great interest, and he had observed that it had unanimously concluded that services rendered by air traffic would be particularly important over long distances. Why, therefore, should M. Bouché's proposal include the phrase : "at any rate, in the European area" ?

M. BOUCHÉ stated that, in his view, the meaning of that phrase was : "in the area of European activities".

*The introduction was adopted with the above amendment.*

*Paragraph 1.—Expansion and systematising of "combined transport".*

M. FISCH considered that the Committee's task was to allocate the work. There were already two organisations, the International Air Traffic Association, and the International Chamber of Commerce, dealing with the question. Was it therefore advisable to introduce a third ?



M. ROMEIN asked if "combined transport" meant the use of various methods of transport with a view to greater speed.

M. BOUCHÉ stated that that was his idea.

M. ROMEIN, in reply to M. Fisch, stated that the International Air Traffic Association investigated the question from the point of view of air traffic only, the International Railway Union from the railway point of view and the International Chamber of Commerce from that of the users, and so on. There was no organisation dealing with the entire question of combined transport under its different aspects except the Committee on Combined Transport of the Communications and Transit Organisation.

M. FISCH recognised the soundness of M. Romein's remark, but stated that in the various organisations it was always the same persons who dealt with the same questions. It would therefore be possible to avoid having so many Committees.

M. ROMEIN considered that the proposal to investigate the expansion of combined transport did not imply that that investigation would be carried out by a new organisation. It was simply an item in the programme and the Committee could indicate any organisation it chose, or, if it considered a special organisation necessary for investigating the question, it could propose to create it.

The CHAIRMAN acknowledged that M. Fisch's observation was very true. During the work of the Disarmament Commission, for instance, a question of civil aviation had come before the Committee of Experts, which was unable to solve it; a second Committee of Civil Experts was appointed, and, to his great astonishment, the experts were exactly the same.

Since the International Air Traffic Association was dealing with the question from a concrete point of view, it was open to the Committee to propose the establishment of rules towards a better co-ordination of the services in the different means of transport. A Sub-Committee might be appointed to deal with the question or to perform the preparatory work.

M. ROMEIN pointed out that work had already been done by the Committee on Combined Transport with a view to encouraging transport by rail and air. The Committee had at first been faced with a difficulty owing to the different nature of the responsibility incumbent upon rail transport and air transport. It had proposed on that point, *inter alia*, an extension of the practice followed in Germany, where, by an agreement between the two transport undertakings, one of them was regarded as the forwarding agent of the other and each kept its own responsibility.

Those questions had also been investigated by the International Railway Union at its last session at Nice in March. Investigations had therefore already been begun, and it would be possible to continue in the same manner by entrusting the enquiries to the Committee on Combined Transport. Naturally, representatives of the International Air Traffic Association, the International Railway Union and the International Chamber of Commerce would take part in the discussions in an advisory capacity.

M. CHAUMIÉ stated that the discussion which had just taken place was dominated by M. Pittard's and Colonel Isler's amendment calling for the establishment of a permanent international organisation with a view to distributing the investigation of the various questions among the various existing Committees.

M. ROPER said such an organisation could not possibly give orders to the C. I. N. A., which had been established by an international Convention ratified by numerous Governments.

The CHAIRMAN, while acknowledging that the proposed organisation would obviously have no power to give orders to the C.I.N.A., considered that it would be very useful to have an organisation for rationalisation. In conclusion, he proposed the adoption of a resolution on the lines of M. Bouché's proposal, while reserving until later the question of the title to be given to the organisation entrusted with the desired investigation.

*Paragraph 2.—A single express postal tariff.*

M. ÅNGSTRÖM stated that the adoption of a special tariff might lead to difficulties in countries such as Sweden, where all the mail was sent by air without a surcharge.

M. DE VEER said that he did not quite understand the import of the proposal. Was it intended to establish a single tariff for all express mail, or a scale of rates increasing with the speed?

M. PITTARD observed that the question had already been examined at the Conferences of Paris and Warsaw, where it had been agreed that it was inadvisable to deal with postal Conventions in view of the existence of the Universal Postal Union, which held all rights on that subject. He agreed, however, that the Committee might make a recommendation on the subject.

M. FISCH, in reply to M. Ångström, said that, if the Swedish Postal Administration sent by air, not only the mail subject to surcharge, but all the mail, there would be no objection to its accepting M. Bouché's proposal. In reply to M. de Veer, he added that the proposal must, in his opinion, be understood as implying a single tariff.



M. BOUCHÉ stated that that was quite correct : a single scale of tariffs would be applied not only to air transport but to all express transport ; there would thus be two tariffs—ordinary and express.

M. MOLFESE observed that such a tariff had already been established and declared compulsory by the Hague Conference.

The CHAIRMAN stated that since the Committee clashed with existing international Conventions it should limit itself, as M. Pittard pointed out, to a recommendation.

M. CHAUMIÉ pointed out the danger of a single tariff. If it were fixed by international Conventions, it would not be sufficiently elastic. In that connection, he gave the following example : in accordance with the London Convention, France established for the air mails between Paris and Marseilles a surcharge which was insufficient to give any profit to the operating company unless it were assisted by subsidies. A non-subsidised company offered to undertake the service in return for a higher payment which would cover its costs, but it was impossible to consider the proposal, as the Government was bound by the London Convention. In the case also of the connection between France and Indo-China, the surcharge established by the London Convention was from 7 to 8 francs per 10 grammes, which was obviously insufficient to cover the expenses without a subsidy, while a surcharge of 30 francs per 10 grammes would make the service profitable.

As the London Convention made it impossible for the operating companies to obtain sufficient revenue, he requested the Committee to consider the question before proposing a single tariff.

M. DE VEER suggested omitting the word "single" in the proposal, as the difficulty seemed to lie in the creation of a single tariff.

The CHAIRMAN observed that, even if a single tariff were not established, it would still be necessary to avoid the complicated system which had existed in postal matters before the unification of postal tariffs.

M. BOUCHÉ remarked that, before continuing the discussion, the actual facts should be ascertained. An express tariff had apparently already been accepted at The Hague ; perhaps the Secretariat could give some information on that point.

The SECRETARY OF THE COMMITTEE read Article 3, paragraph 5, and Article 11, paragraphs 10 and 11 of the Universal Postal Convention.

"Article 3, paragraph 5.—The surcharge on air mail conveyed by special services (Article 11, paragraph 11) may be increased, due account being taken of the special expenditure involved by the use of those services."

"Article 11, paragraph 10.—As a temporary measure, the basic tariff to be applied for settling accounts between the head administrations of air transports is fixed at six gold centimes per 100 grammes or fractions thereof gross weight, and per 100 kilometres . . ."

"Article 11, paragraph 11.—The charges for the transport specified above do not apply to long-distance transport performed by means of services the creation and maintenance of which require special expenditure."

The CHAIRMAN noted that the Convention did not establish a single tariff, as the tariff was proportional to the distance, that it fixed a minimum rate and that, in exceptional cases involving higher costs, it was possible to modify the tariff and the charges.

M. BOUCHÉ stated that he had not intended, in submitting his second proposal, that the question of a single tariff should be exhaustively dealt with by the Committee. He therefore proposed the following wording :

"2. The simplification of scales of surcharges on postal freight benefiting from express transport."

The SECRETARY OF THE COMMITTEE wondered whether to ask for the simplification of scales of surcharges would not be to take up too definite a view in the matter. Would it not be better to amend the text and say : "the question of scales" ?

The CHAIRMAN stated that, in his opinion, it would not be very compromising to speak of simplification. When, in international postal Conventions, the State where the stamp was affixed was allowed to keep the amounts charged, there was no doubt that that was a case of simplification. The Committee's enquiries should be pursued in that direction. It should indicate its positive wish.

In reply to a remark by M. SONDERMAYER, he stated that, if M. Bouché's proposals were accepted, the tariff question would be investigated in respect of rapid means of transport and not only in respect of air traffic ; but, in the Committee's view, the most rapid means of transport would of course normally be the aeroplane.

*Paragraph 3.—The determination of essential air routes.*

Colonel ISLER proposed the addition of the following phrase to the paragraph : "intended for air service throughout the year by day and night".



M. SONDERMAYER observed that in order to define an "essential route" the geographical situation of the route should be added to Colonel Isler's definition.

The CHAIRMAN asked whether the object of the proposal was to define the essential routes with their characteristics, or to enumerate them.

M. BOUCHÉ stated that the routes should be enumerated and that his proposal corresponded to the map included in his report. It was a question of classifying and not of defining.

The CHAIRMAN proposed that paragraph 3 should read as follows :

"The establishment of a programme of air routes where it would be advisable to organise day and night services."

M. BOUCHÉ pointed out that, in drawing his map, he had never had any intention of imposing a programme of essential routes. Indeed, he realised that the necessary technical information was not available. For the moment, the question could not be exhaustively discussed. He had made the proposal in order to justify paragraph 4 of his draft and the creation of a common fund (paragraph 9).

The CHAIRMAN, summing up, concluded that paragraph 3, with Colonel Isler's amendment, might form the subject of a recommendation by the Committee. With the new wording of paragraph 3, paragraph 4 was obviously superfluous.

Colonel ISLER asked whether paragraph 4 could not be retained by wording it as follows :

"The establishment of an international programme for the gradual equipment of these routes."

This would give it a different idea from that contained in paragraph 3.

M. BOUCHÉ agreed to Colonel Isler's proposal. The determination and the equipment of air routes were two distinct ideas. The phrase "day and night flying" would naturally be omitted from paragraph 3.

Colonel ISLER stated, in reply to the Chairman's question, whether it was desired to internationalise the programme or the construction, that he desired the internationalisation of the programme and that the Committee could determine the methods.

The CHAIRMAN remarked that, even if an agreement were arrived at regarding the programme of constructing ground organisations for air routes, some countries might, for reasons of sovereignty, refuse to conform to it. It might then be asked whether the construction of ground organisations on these routes should not be internationalised.

The SECRETARY OF THE COMMITTEE observed that the question was perhaps dealt with in paragraph 9 ; there was, in any case, a close connection between the two questions. If a Government refused financial co-operation in constituting a common fund, it would presumably also refuse to take part in the establishment of a programme of ground organisations.

The CHAIRMAN asked what exactly was meant by "constitution of a common fund". Would the Government grant a subsidy for creating an international system of beacons on its territory, or would a common fund be created for assisting in the establishment of those beacons in countries unable to erect them?

M. BOUCHÉ replied that both cases might occur.

The CHAIRMAN stated that, although the greatest possible freedom in flying appeared to him necessary, it would hardly be possible to internationalise the construction of ground organisations ; that would be an encroachment on State sovereignty, while, on the other hand, if one country established aerodromes at great expense it would hardly agree that all the other countries should be free to use them. Although the proposal had distinct advantages, it was advisable to reflect carefully upon its consequences.

The SECRETARY OF THE COMMITTEE asked whether it would not be wiser to use more general terms in respect of financial questions, and to say, for instance :

" . . . the question of financing work to be carried out, including, if necessary, the execution of the proposals contained in paragraph 9 and 10."

That would keep the question within the limits of an enquiry, as it was not yet possible to see in what direction the question would develop.

*Paragraph 4 was adopted in the form suggested.*

*Paragraph 5.—Free traffic on these routes.*

M. MOLFESE observed that the discussion was not within the competence of the Committee.

Colonel ISLER proposed the following amendment :

" . . . and, in particular, freedom of transit for commercial air traffic."

Article 15 of the Convention of 1919 authorised the conclusion of agreements relating to freedom of transit, but the practical application of that right was multiplied by political considerations.



M. FISCH considered that the question of free transit was an extremely complex one. It had undergone lengthy discussion in the C. I. N. A., and he thought it was difficult to find a better formula than that adopted by the C. I. N. A.

M. MOLFESE observed that, as many members of the Committee were also members of the C. I. N. A., it would surely be hardly possible to reach different conclusions from those already obtained.

The SECRETARY OF THE COMMITTEE observed that M. Bouché's proposal made no change in existing international law, as, according to the present interpretation of Article 15 of the Convention of 1919, governments were not prevented from allowing free transit by air. M. Molfese had pointed out in his report that certain countries had refused to allow free transit by air in order to protect newly-launched national aviation undertakings, but the situation might change, and it was to be hoped that such permission would become general. A formula might be found expressing the hope that the article would be applied in a more liberal spirit.

M. BOUCHÉ observed that paragraph 5 was governed by paragraph 3. It demanded free traffic on *these routes*—that is to say, routes recognised as of primary importance by the Committee or by the organisation determining them. The text of the Convention of 1919 should not be brought into the matter.

Sir W. Sefton BRANCKER stated that the question was by far one of the most important that had yet come before the Committee. In his opinion it was very important that free traffic should exist on air routes, and he supported the proposal.

M. DE VEER believed that the question raised had no connection with those treated by the C. I. N. A. If it was thought necessary to develop commercial air traffic it was desirable from the outset to abolish any obstacles that might impede its growth, and, in that respect, the question of freedom of traffic was of primary importance. The organisation of international routes, night flying and combined transport might be discussed at great length, but so long as any Government could prevent freedom of air communications over its territory all such discussion would be useless. In his opinion, the question of freedom was of first importance and the Committee should endeavour : (1) To affirm the necessity for free traffic on air routes, as was done in paragraph 5 ; (2) to enable the Committee or other organisations to study the best way to cause Governments to modify their attitude in respect of international civil air traffic.

At the present time, since the Governments had absolute liberty to act as they chose, the technical conditions imposed by the C. I. N. A. could be of use only to passenger air traffic. They were of no importance for air routes. That was a sphere of public law in which the Committee could therefore do extremely important work. If it proved impossible to change public law, it might still be hoped that the Governments who were in favour of a certain degree of freedom for civil air traffic might come to reciprocal agreements on the application of that principle of freedom. By extending those agreements, the accession of other Governments might possibly be obtained, and the same result would be arrived at by a circuitous route.

M. FISCH pointed out that M. Bouché had suggested free traffic for the air routes, already agreed upon as essential. As a discussion would already have taken place on the establishment of those essential routes, would it be necessary to ask also for freedom of traffic on them ? M. de Veer had fully stated the case, but he himself would point out that that problem had already been discussed by the C. I. N. A., and, although that Commission had not been able to arrive at a more liberal solution, it seemed difficult, he would repeat, for the present Committee to find a clearer or more acceptable formula. On the other hand, as M. Chaumié had remarked at the last meeting, an agreement must be reached on this matter ; perhaps a formula could be found which would not conflict with but would supplement that of the C. I. N. A.

M. ROPER thought that a distinction must be drawn between international public law and its application. International public law, as laid down in the Convention of 1919, which was ratified by numerous Governments, enabled their aircraft under certain conditions to fly over each other's territory (Article 15). That text could not prevent the establishment of a programme of essential air routes or the free use of those routes, as the Governments might make agreements between themselves, excluding Governments which refused them the benefits of similar conditions ; and thus the same result would be arrived at as was intended when drawing up Article 15.

The CHAIRMAN noted that it was possible to reach a solution on the proposal laid down in paragraph 5 (while leaving M. de Veer's amendment (Annex 4) for later discussion). It was necessary, however, to decide upon the wording to be adopted. Once the idea of international routes was accepted, freedom of traffic might be expected to result *ipso facto*, as M. Fisch had observed. But although two Governments might agree to establish a programme of air routes and to allow free circulation over their territory by their aeroplanes, they might still prevent the aeroplanes of a third State from flying over the same routes. There were two distinct ideas : general freedom of circulation of international routes and agreements between two or more Powers to establish freedom on their own routes. A wording might therefore be adopted which, while letting the present depend on international conventions, would encourage free traffic in the future on important routes.

He requested M. Bouché to give a definite form to his recommendation on those lines, and reserved M. de Veer's proposal for further discussion.



The SECRETARY OF THE COMMITTEE stated that it would perhaps be better to draw up the text after discussing M. de Veer's proposal, since the questions were connected.

He ventured to ask M. Roper a question. Did the text of the Convention of 1919 prevent the contracting States from concluding conventions among themselves ?

M. ROPER stated that, on the contrary, the possibility of such agreements was definitely provided for in Articles 5 and 36. But, as regards Article 15 of the Convention of 1919, the position was much less clear, as, until the signature of the Protocol of June 1929, there had been two interpretations. Now that the Protocol had been accepted, however, there was one interpretation which had been unanimously adopted. The exact wish of the Contracting States was therefore now known.

M. DE VEER stated that it was not sufficient for a State to say : "I am a partisan of freedom", for other States to become so. It was essentially a question of reciprocity, and Article 15 left doubts on that subject.

The SECRETARY OF THE COMMITTEE made an express reservation in regard to M. Roper's statement ; the text of the Protocol of June 1929 could not be considered the authentic interpretation of the Convention, as that text was not in force ; and, moreover, it could not be held that a new text was an interpretation of an old text.

M. BOUCHÉ stated that paragraph 5 related only to previous paragraphs and had no connection with the general question raised by M. de Veer or with the provisions of the Convention of 1919 ; it was no more than a consequence of paragraphs already adopted. But he had considered it better to give expression to it, and he requested that the wording, together with Colonel Isler's amendment, should be adopted.

The CHAIRMAN observed that, in that case, the question was still connected with the general problem raised by M. de Veer.

M. BOUCHÉ considered that, on the contrary, the definition was restrictive, as, in particular, freedom of transit was demanded. He suggested, moreover, drawing up his wording with the help of Colonel Isler. It could then be discussed at a future meeting.

M. DE VEER, summarising the discussion, stated that there was a general proposal for freedom of traffic on air routes, and a proposal by M. Bouché (paragraph 5), with an amendment by Colonel Isler, on freedom of traffic and in particular of transit on routes considered essential.

It would be better to discuss the general question fully before taking up M. Bouché's proposal, as, if the principle of freedom were adopted, it would be easier to solve the second question, and, in the contrary case, any discussion on the subject would be useless.

The CHAIRMAN also considered that the text of paragraph 5 covered part of the question raised by M. de Veer. If, however, M. Bouché preferred that his wording should be discussed immediately he did not see any objection, but he would point out that the result of the discussion would in no way prejudice the decision subsequently taken on M. de Veer's amendment.

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## FIFTH MEETING.

*Held on Thursday, July 10th, 1930, at 10.30 a.m.*

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*Chairman : M. DE BROUCKÈRE.*

Present : All those present at the preceding meeting.

### X. Draft Resolutions (continued).

#### (a) PROPOSALS BY M. BOUCHÉ (*continued*).

##### *Preamble.*

General KABA said that he wished to revert to the preamble of M. Bouché's proposal and to suggest that the words : "at any rate in the European area, where agreement is more obviously necessary", should be deleted. He had no objection to their starting with air navigation in Europe, but, from the point of view of principle, he thought it better not to make any distinction between the different areas, more especially as the proposal was to be examined by the organs of the League. As M. Chaumié had remarked, air traffic between Europe and the Far East was becoming more and more important ; the same applied to the traffic between America and the Far East, so that the Far East would doubtless become in the near future a centre of world air traffic. It was for that reason that he had submitted his amendment.



The CHAIRMAN said that the Committee had already recognised the advisability of modifying to a slight extent the wording of the preamble. M. Bouché would no doubt be able to accede to General Kaba's request.

Colonel FILIPOWICZ said that in the opinion of certain delegates the development of air navigation was hampered by the restrictions which certain countries imposed in regard to the crossing of their frontiers. Poland was in favour of the greatest possible freedom of traffic, but present circumstances did not permit of such a regime. Paragraphs 5, 6, 9 and 10 (Annexes 2 and 3) of M. Bouché's proposals involved the establishment of large international companies which would be able to cover their expenses by operating the principal air lines. In a very short time, therefore, those companies would acquire a monopoly of air traffic, and that would make it impossible for younger countries to develop their air traffic and their national industries. He did not think that the Committee wished to destroy the efforts of various countries to establish their own air transport companies and their own industries, or to prevent those countries from contributing to the advancement of air navigation. There were other methods of turning to account technical and economic improvements in international air traffic. Those new methods might be investigated, but for the moment he thought that the only possible method was the pool system. That system had been generally adopted in Europe and was the only one which allowed small countries to work for the progress of air navigation side by side with the large Powers. As M. Fisch's proposal (Annex 5) had the same object, although the methods which he suggested were different from those of M. Bouché, it might perhaps be possible to discuss M. Fisch's proposal at the same time as those of M. Bouché.

The CHAIRMAN thought that the Committee would agree that when any delegate found that M. Bouché's proposals contained some point bearing on his own suggestions, he should take advantage of the discussion to submit any amendment he thought fit to make.

*Paragraph 5.—Free traffic on these routes (continued).*

The CHAIRMAN said that an amendment had been submitted on that point by Colonel Isler (Annex 6), with whom he would ask M. Bouché to consult with a view to submitting a new text.

M. BOUCHÉ explained that the new text (Annex 7) contained a revised version of paragraphs 1 to 5 of his proposals.

The CHAIRMAN said that the Committee would accordingly examine the new text of paragraphs 1 to 5 at the second reading.

*Paragraph 6.—The free choice of aeronautical material for all undertakings responsible for an international air service.*

M. FISCH thought that this only applied to routes in regard to which a general agreement was reached. In that case, free choice of material would always be allowed because the agreement would cover that point also.

M. BOUCHÉ explained that the section in question referred to the matter of subsidies, the granting of which was often dependent on the use of certain material. In the case of an international service he thought that the best possible material should be used irrespective of its origin.

Sir W. SEFTON BRANCKER said he entirely agreed with M. Bouché that the regime should be as liberal as possible. In England, however, companies which desired to obtain subsidies and which had an actual monopoly of lines such as those connecting the mother country with Australia and South Africa had to undertake to purchase the whole of their material (flying machines and engines) from the British aeronautical industry. He understood that a similar undertaking was required in Germany and France. In England, at all events, there was a perfectly clear written engagement stipulating that so long as the company received a subsidy it must use British material only.

Dr. OPPIKOFER said that paragraph 6 was not in accordance with existing legislation, whether national or international. There was no free choice, certain minimum requirements as to airworthiness and the safety of machines being required in every case and he did not see how it was possible to reconcile M. Bouché's proposal with existing legislation.

The CHAIRMAN drew attention to the fact that there were two different questions : (1) The conditions to which material had to conform ; (2) the nationality of that material.

M. MOLFESE fully agreed as to freedom of choice, if the proposal meant that, in view of the diversity of air routes and requirements, a company or a Government should be free to select the machines best suited to its purpose. He did not agree, however, if it meant that they had the right to select material which did not conform to the guarantees of constructions in the absence of which States had undertaken not to grant certificates of airworthiness. That view was justified, in the first place, by reasons of security, and, secondly, by the fact that, some years ago at a meeting of the C. I. N. A., all the participants had notified their intention of making, not only certificates, but permits to fly over their respective territories dependent on the fulfilment of certain minimum requirements laid down by the C. I. N. A.



M. BOUCHÉ said that he had not had the slightest intention of ignoring the international regulations laid down by the C. I. N. A., with regard to the safety or the regulation of air transport. His proposal implied free choice for all undertakings engaged in traffic on the routes concerned. That choice should not be limited by stipulations to the effect that the material must be of some particular nationality, on compliance with which the granting of subsidies frequently depended. It was clear that the material should satisfy all the conditions laid down by the C. I. N. A., and any other national regulations. For instance, if a proposal were made to-morrow to start an international air service between London and India or to open the route to international air traffic, the undertaking should not be impeded by difficulties regarding choice of material owing to the fact that the British company was obliged to employ British machines, the Netherlands company Netherlands machines, etc. The choice of machines should depend solely on their efficiency.

M. CHAUMIÉ said that the imperative provisions in British contracts were not to be found in French legislation. The French Parliament had expressly specified that aircraft built abroad might be employed, and one of the principal French companies was using machines built in the Netherlands, although it was not absolutely in accordance with the regulations of the C. I. N. A. He added that the use on the Mediterranean seaplane services of machines built in England had been, and indeed still was under consideration. In his opinion, the right policy in civil aviation was to employ the best material no matter where it was made.

M. DE VEER agreed with M. Chaumié. The Committee's object should be to remove the obstacles which impeded the progress of civil aviation ; and regulations such as those in force in Great Britain were, he thought, likely to give rise to difficulties. In the Netherlands, the most recent contracts stipulated that the machines should be built in the country itself, but the company concerned had the right to purchase abroad when it proved that foreign material was best suited to its particular purpose.

M. ALLARD explained that the Belgian law governing the operation of the Belgian Air Navigation Company, which received a Government subsidy, explicitly laid down that machines, engines and supplies should be purchased at the lowest competitive rates, and should be of Belgian manufacture unless otherwise authorised by the Government. Other things being equal, preference was given to machines and engines of Belgian design.

Moreover, by what standards did M. Bouché propose to determine the best machine ? There were several kinds of aircraft which were the best in some particular respect. Unless the best aircraft were used, all technical progress would be hampered.

M. FISCH considered that M. Bouché's proposal was worthy of attention from an idealistic standpoint, or might possibly become so from a practical standpoint in the distant future. It was, however, utopian to think that it could be put into practice at the present time. Even the example given by M. Bouché himself ran counter to the proposal under discussion, because, if a service such as that proposed by his colleague were to be established, it would not, strictly speaking, be an international one, but would be operated by a small number of countries by means of a pool. If that was what was meant by an "international service" he agreed. In Germany, it was possible to make exceptions, but the general principle was that national material should be used. To attempt to ignore those regulations would be a utopian undertaking.

M. BOUCHÉ pointed out that paragraph 6 should be read in conjunction with the previous sections. It referred, not to services at present in operation, but to services to be established on selected air routes, which would form the "main system" mentioned in the proposal.

Apart from the theoretical example given, the general principle which he wished to advocate was freedom for all undertakings engaged in the traffic on the "main system" previously established having regard solely to efficiency and subject to the fulfilment by those undertakings of the international regulations relating to security and suitability.

The SECRETARY OF THE COMMITTEE, referring to M. Fisch's observations, said that, if the Committee was going to be held up by the present state of national legislation, it was useless to have summoned it. The Committee was not called upon to declare that such and such a measure should be adopted immediately, but to study and indicate the lines on which future progress should be made. The decisions taken in the Committee did not bind Governments. The Committee was dealing with the efficiency of civil aviation from an international standpoint. If the present limitations of choice were incompatible with ethnical and technical considerations, and if they hampered the development of civil aviation, the Committee should draw attention to that state of affairs and so obtain the support of public opinion.

M. SONDERMAYER thought that M. Bouché's proposal was the natural and necessary outcome of the suggestion to organise an international company. The considerations put forward by Sir W. Sefton Brancker, M. Allard and M. Fisch held good in the case of national undertakings, but if the necessity for an international company were recognised, it was obvious that all countries participating would not be able to stipulate that their national material should be employed ; it would be necessary to select standard aircraft built by any country, and to allow all countries situated within the proposed system to co-operate.

M. MOLFESÉ pointed out that the proposal to form an international company was not under discussion.



M. FISCH also thought that, as the proposal to form an international company was not under discussion, M. Bouché's suggestions could not be accepted in their present form. If it were desired to encourage international co-operation, the proposal must be considered with reference to the existing situation, and the first thing to be done was to come to some arrangement which would facilitate international co-operation at the present time. The ways and means of modifying the situation would be considered later.

M. PITTARD thought that what was wrong at present was that the question was being regarded from the point of view of aircraft constructors. That might have been necessary at first, but it was clear that too much impetus was still being given to the construction of aircraft. The necessity for each country to have its own aircraft, an air fleet, pilots and building-yards marked a stage in that country's development, but at present it was a mistake to concentrate on those things. If good material were obtainable which was not of national manufacture, why should it not be used? Frankly, if air navigation were to yield the best results, companies must be free to choose their own material. Competition in civil aviation was essential and subsidies should be granted for operation and not for construction. That was the principle applied in Switzerland, in which country the lines were open to all aircraft, provided they were suitable and subject to strict control. The result was that there was a considerable choice of aircraft in Switzerland and improvements made in no matter what country were immediately adapted to Swiss requirements. Nationalism was inappropriate in a sphere dominated by internationalism. In short, he would support M. Bouché's proposals so long as he advocated a liberal regime.

M. BOUCHÉ explained that paragraph 6 did not in any way imply that an international company should be organised and did not prejudge the method of operating the routes established. It was merely an indication showing the desirability of abandoning the present methods.

M. SONDERMAYER said that, in substance, he was entirely in agreement with M. Bouché.

Sir W. SEFTON BRANCKER said that the reasons which had led England to adopt its present system were not quite so egoistical as M. Pittard thought. The country was suffering from considerable commercial depression and very extensive unemployment, and no British Parliament would agree to a subsidy being granted to a company which did not purchase the whole of its material in British territory, so as to give work to the home industry. The whole question was to decide whether it would be possible to establish an international air service in Europe. If such a service appeared to be necessary, the free choice of material would have to be allowed, but the first point to be considered was the possibility of establishing a service of that kind—the question of the free choice of material would come second.

M. RUIZ FERRY thought that the Spanish method was the ideal one. The air services in that country constituted a monopoly and their material was exclusively foreign. No subsidies were granted to the national industry, but it was possible for Spaniards to hold shares, to be members of the Boards of Directors and to participate in the profits of the operating companies.

The CHAIRMAN thought that a misunderstanding had arisen in regard to the term "international company". If he understood paragraph 6 correctly, it did not, strictly speaking, refer to an international company but to an international service. In the absence of a formal proposal the suggestion to organise an international company was not under discussion. Moreover, a definition had already been given of what was meant by the "international service" in question and there was no need to revert to it. The point to be settled was whether, supposing there were an international service operated either by a pool or by some other means, the free choice of material as proposed by M. Bouché should or should not be allowed. He had noted that all the speakers had stated that, in principle, they were in favour of the proposal, although some thought it would only be practicable in the distant future, while others had explained why a solution of that kind could not be considered in their country at present. It should be remembered that all their previous decisions had related to proposals to be carried out in the future. He would therefore ask the Committee whether it agreed in principle that it was desirable that, at some future time, material should be selected because it was the best and not because it was national and that this was a practical possibility.

M. CHAUMIÉ, unlike the Chairman, did not think that all the members of the Committee had the same conception of what was meant by the "international service" in question. He himself and certain of his colleagues visualised an extensive system which would be of public utility to Europe. They should consider how such lines could be operated in practice. Supposing there were a line: London-Brussels-Berlin-Warsaw-Moscow, an agreement would be necessary between all the Governments concerned. If that agreement were concluded and a pool consisting of five participants established, there would still be a number of non-participating countries, to which the efficient operation of the service would, however, be of interest and which would be penalised if Belgian, German or some other legislation stipulated that national material should be employed and that material did not render the service expected of it by the users. If an operating company considered its existing material inadequate, it should not be prevented by its Government from purchasing better material made in another country. That was what had happened in France, where, notwithstanding the protests of aircraft constructors, the question had been settled on those lines, and that freedom of choice had turned out to be of the greatest benefit to the French aircraft industry during the last few years, because formerly constructors who were protected by a nationalist policy had persisted in employing obsolete methods. In the interest of the progress of the aircraft industry itself, competition in material should be allowed.



M. FISCH said that the example given by M. Chaumié had made the position clearer, and, unlike the Chairman, he did not think that all the members of the Committee were in agreement. If the Committee wished to do practical work, it should not content itself with a vague declaration of agreement on principles. His French colleague had said that the importation of foreign material was beneficial to national constructors; he did not think that the provisions in force in Germany were so severe as not to allow of exceptions enabling English or French aircraft to be employed in that country. In those circumstances, they might endeavour to find a compromise, which would involve the amendment of paragraph 6 and possibly of paragraph 5 also.

M. PITTARD was not in favour of a compromise. The discussion had gone on long enough. The members of the Committee had come from different countries where widely varying views were held. They had a common purpose, however. The time had come to take a preliminary vote on the question whether the Committee considered that a liberal regime in regard to the choice of material was desirable. They would then find out how many were in favour and how many against the proposal.

The CHAIRMAN pointed out that it would be difficult to vote on a provisional text, since M. Bouché proposed to submit an amended version of paragraph 6. Moreover, the Committee's resolutions were of value only in so far as they represented the views of the whole or practically the whole Committee.

M. MOLFESE said he would find it difficult to vote at the moment, as the discussion had shown that there were several different conceptions of the matter. There was the most liberal conception—that of Spain and Switzerland, and the narrowest conception—that of Great Britain. The Italian conception resembled the former because, while recognising the principle that the materiel should as far as possible be of Italian construction, foreign material was not excluded.

The CHAIRMAN asked M. Bouché to be good enough to prepare a final text for paragraph 6.

*Paragraph 7.—Publication of a general directory of fast services permitting of the preparation of the best time-tables.*

The CHAIRMAN said that this paragraph had already been discussed, but that the Committee had asked whether it would be possible for the Secretariat to publish the directory in question.

The SECRETARY OF THE COMMITTEE said that he could not give a definite answer at the moment. The Secretariat might, for instance, submit definite proposals at another session, after it had obtained competent opinions. The Secretariat proposed to convene a meeting of representatives of the Time-Table Conference, the International Air Traffic Association, the Postal Union and agencies dealing with transport undertakings, as a whole, to ascertain whether the data were already available, to draw up a scheme for a publication of the kind in question and to decide whether the scheme could be carried out by some organisation. If, when Section 8 came up for discussion, the establishment of the proposed non-commercial centre, which might perhaps work in conjunction with representatives of the institutions mentioned above, were considered expedient, it might be possible for that centre to edit the publication in question, unless that could be done by private enterprise.

The CHAIRMAN thought they were all agreed that the Secretariat should undertake the proposed enquiry. The publication would be of great utility provided it were of an official nature, because semi-official publications were often compiled too hastily and could not always be relied upon.

The SECRETARY OF THE COMMITTEE added that, even if it were necessary for the publication to be of an official nature, advertisements should not be excluded, because they would cover a part of the cost.

*Paragraph 8.—The establishment of a non-commercial centre of reliable information at least for Peninsular and Mediterranean Europe and for the European services along the main currents of world trade.*

M. MOLFESE asked what would be the constitution and functions of this organ and why it was especially necessary for Peninsular and Mediterranean Europe.

M. BOUCHÉ explained that, in his report, he had emphasised the fact that, as regards traffic between Europe as a whole and the United States of America, official information had been collected by the United States Department of Commerce and that was of the greatest value. If a European Commercial Department were established on similar lines, it would be able to institute a service comparable to the American service.

M. ROPER wished to point out that such a centre already existed for Europe, since in addition to its other functions the C. I. N. A. was responsible for centralising and circulating information of all kinds relating to international air navigation. As long ago as 1922, the C. I. N. A. had taken steps to apply the system decided upon and had asked all contracting States to furnish information to its Secretariat. At the present time, 350 copies of its *Bulletin* were printed, but the circulation could, of course, be increased. He frequently received fresh requests for the *Bulletin*, and, in his opinion, that publication should form the nucleus of the general service proposed.



M. MOLFESE also wished to stress the fact that, in the C. I. N. A., they had an information centre which might be developed.

Mr. ROPER added that the *Bulletin* was not intended solely for States members of the C. I. N. A., but that it also received information from non-contracting States. The *Bulletin* was not restricted therefore to the C. I. N. A., but was of worldwide interest.

The SECRETARY OF THE COMMITTEE asked M. Bouché whether the object of the proposed centre was to collect information of an economic nature.

M. BOUCHÉ replied that it would also collect information relating to traffic, to ground organisation and, in short, to a whole series of subdivisions, some of which would coincide with the work of the C. I. N. A., while others would be of a commercial and practical nature—which did not mean that the C. I. N. A. would not be competent to carry out that part of the work.

The SECRETARY OF THE COMMITTEE asked Mr. Roper if he thought the C. I. N. A. would be in a position to furnish information of a practical nature and of commercial importance.

M. MOLFESE pointed out that the information in question could be obtained at the present time from the statistics communicated to the C. I. N. A. The Italian Government had recently prepared reliable model statistics, on the basis of which it had requested other Governments to furnish replies. The statistics dealt chiefly with questions of safety, and had no propagandist aim. The various data would enable those interested to obtain all necessary information.

M. CHAUMIÉ observed that the quarters to which the statistical data were furnished had no material possibility of applying them.

M. MOLFESE replied that the C. I. N. A., for instance, might be asked to draw the appropriate conclusions from those statistics.

The SECRETARY OF THE COMMITTEE asked whether it would be the duty of the proposed information centre to furnish practical information to the public, as was done by the United States of America Department of Commerce. Would the C. I. N. A. be in a position to organise such a service? If, instead of the C. I. N. A., it were proposed that the work should be undertaken by the League, he would not hesitate to reply in the negative. As regards information furnished by Governments, the C. I. N. A. was certainly the best clearing-house, but, if a different task were proposed, he doubted whether it would be possible for the C. I. N. A. to carry it out, especially as a considerable staff would be required.

M. SONDERMAYER drew attention to the fact that statistics were being asked for from various quarters but that there was no uniformity in those requests nor, consequently, in the replies. If the C. I. N. A., or some other organisation, were put in charge of the work proposed, requests for information would have to be uniform and made as definite as possible. As regards the questions raised by the Secretary of the Committee, he thought that the information collected by the proposed Bureau would be of value mainly for the study and improvement of aviation, and to organisations dealing with that question; it would be of no interest to the general public.

M. BOUCHÉ thought that it might facilitate discussion if he submitted to the Committee, at another meeting, a scheme for the organisation of the centre, as he conceived it. The Committee would then be able to decide whether the information in question should be collected by the C. I. N. A., the League of Nations, or some other organisation.

M. MOLFESE said that he had taken the liberty of sending to all his colleagues representing countries members of the C. I. N. A. proposals for the establishment of uniform statistics which would take no account of considerations of propaganda and national *amour propre* and would give more detailed data than those supplied on the tables adopted by the C. I. N. A. The adoption of those proposals would make it possible to collect information for countries as a whole.

General KABA asked whether the Committee would agree to the mention of a specific area being omitted from paragraph 8.

Mr. ROPER said that for some years past the question of statistics had received the attention of Governments concerned in the exchange of information. The work had been begun in 1925 by M. de Veer. The model adopted by the C. I. N. A. last year had now been brought into use, and the C. I. N. A. had received statistics from all member-States for 1929. The model mentioned by M. Molfese would probably contain further improvements. In any case, the work was progressing normally. It had been said that certain information came within the province of the C. I. N. A., while the rest did not. One of the duties of that organisation was to collect and co-ordinate information and transmit it to Governments; it had also considered it necessary to go further still and to keep those statistics up to date as regards lists of Customs aerodromes, prohibited areas, wireless telegraphy, meteorology, etc. Mr. Roper then read a summary of the contents of a number of the C. I. N. A. *Bulletin*.

M. CHAUMIÉ said that, according to Mr. Roper's explanations, the C. I. N. A. was an organ which collected and published documents, but did not draw any conclusions from the statistics.



In many countries there were bodies which endeavoured to derive from the various statistics which they received information which they would prefer to obtain from a single organ or bureau. At the last meeting of the C. I. N. A. it had been stated that that body could not take action which was solely within the competence of the member-States, and that its Secretary-General had not the power to apply to Governments and ask them for something new. On the other hand, the proposed information bureau should be authorised to apply direct to Governments, companies and competent persons for any information which is required. He feared that at present the C. I. N. A. was not competent to do that.

Dr. OPPIKOFER supported the observations of M. Chaumié. The Institute of Air Law, of which he was the head, collected all laws and judgments relating to international questions; it was in correspondence with all Governments and had ascertained how difficult it was even for Governments to make certain of the existing law. He thought, therefore, that nothing short of a worldwide organisation could obtain all the necessary information. Moreover, only a certain number of countries belonged to the C. I. N. A., and a non-member State had no right to require the publication of its laws in the *Bulletin*, so that the information in that publication could not be regarded as absolutely reliable and complete.

M. ROPER said that the discussions to which M. Chaumié had referred had dealt with an entirely different matter. In Rome, on the other hand, he had been definitely instructed to write to all Governments in order to obtain all the necessary information. As regards the practical application of the data, that was another question.

The CHAIRMAN thought it would be better, before continuing the discussion, to wait until the Committee was in possession of M. Bouché's statement.

*Paragraph 9.—The constitution of a common fund from the national annual subsidies for the purpose of carrying out the above programme.*

M. PITTARD asked M. Bouché whether he proposed to create the fund solely from subsidies or by appropriations in the budgets as well. There were companies such as the new Paris-Geneva line which did not ask for subsidies and had their own budget. As the gradual reduction of subsidies was contemplated, the common fund would progressively decrease if it were dependent on the former, whereas if it could count on appropriations in the budgets, it would increase, since the companies' revenues were expected to increase.

M. BOUCHÉ explained that paragraph 9 was based on the results of experience as well as on statistics. In carrying out the task which the Committee had asked him to undertake, he had been struck by the fact that work in regard to commercial aviation, more especially in Europe, was being done twice, three times or even four times over. If a statement were drawn up in two columns showing on one side the whole of the present material assets and on the other the kilometric and postal revenue, the results would be surprising. He had thought, therefore, that the Committee might suggest that sums should be taken from the subsidies—which amounted to a total of over 1 milliard French francs—to form the nucleus of a common fund, to be used principally for the establishment of main air routes on which there would be the best chance of international traffic being conducted in a spirit of co-operation.

The SECRETARY OF THE COMMITTEE asked M. Bouché whether at the present stage of the enquiries it would not be better to adopt a general formula, not only for paragraph 9 but also for paragraph 10, which read as follows :

*Paragraph 10.—The creation of a European banking institution to manage either the common aeronautical fund or any other more general fund aiming at the acceleration of transport.*

It might be sufficient to refer to the financing of the above programme and, if it were thought necessary, to mention the constitution of a common fund, but without prejudging the solution. The essential part of the programme was the financing of the scheme, and it should also be stated that that would involve international co-operation in some form or other, but it would be going rather too fast to specify only the two methods mentioned in paragraphs 9 and 10.

M. BOUCHÉ explained that he had wished to put before the Committee verbally suggestions which he could not include in the conclusions of his written report. He would agree to any other more general text, provided it contained certain definite indications.

The CHAIRMAN asked M. Bouché and the Secretary of the Committee to agree upon a new wording for paragraphs 9 and 10. He declared the examination at first reading of M. Bouché's proposals closed. He also drew attention to the necessity for making the speeches as short as possible if, as appeared to be the general desire, the Committee wished to complete its work the day after to-morrow—July 12th.

(b) PROPOSALS BY DR. OPPIKOFER (Annex 8).

Dr. OPPIKOFER explained that the two subjects of enquiry mentioned in his proposal had been selected in a completely arbitrary manner. There were many other questions of equal importance,



and it might perhaps be better simply to decide upon the examination of any legal question likely to facilitate the international operation of civil aviation. Questions of private law were also of great importance in air navigation.

The SECRETARY OF THE COMMITTEE did not think that such a vague and wide formula would be satisfactory. It might be better to specify that the proposal referred to legal questions affecting international co-operation in civil aviation. The Committee might ask the Bureau or the experts to submit a report at another session indicating what were the legal questions the solution of which appeared to be most urgently required from that point of view, and indicating the direction to be taken by investigations and future developments. An intermediate formula between Dr. Oppikofer's present text and his general suggestion might be submitted at the second reading.

The CHAIRMAN approved this suggestion. He added that two or three definite problems with which the enquiries might begin should be indicated.

(c) PROPOSAL BY M. PITTARD (Annex 9).

M. PITTARD explained that his proposal relating to insurance was submitted as a basis of discussion and not as a text *ne varietur*. He would ask the Committee to adopt a resolution recommending, for application at some time in the distant future, a compulsory insurance based on the mutual or some other system; he had referred on the previous day to the successful results obtained in Spain. He pointed out that national laws relating to insurance differed widely, and with all due respect to national legislation, he thought that an international organisation of any kind should be above it. At the conclusion of its discussions, the Committee would see whether the same organ could not deal with the common fund, information, insurance, etc.

Sir W. Sefton BRANCKER was of opinion that insurance was an extremely complicated and essentially commercial question. He did not think that any member of the Committee was an expert in the matter and proposed that it should be referred to a competent organ of the League. He would point out that all European companies were more or less insured in England. He did not know whether it was advisable to change that system, but, even if the Committee thought the question should be examined, it was not competent to deal with the matter itself.

The SECRETARY OF THE COMMITTEE thought that M. Pittard's wishes might be met for the time being by asking the Secretariat to examine the present position and its possibilities, and to submit its findings at a later session. It would certainly be very useful to get into touch with the Economic and Financial Section and the Financial Committee, without in any way prejudging the solution. The question affected air navigation, but was essentially of a financial nature.

M. PITTARD said that he would agree to whatever the Committee decided, but pointed out that in 1925 at the International Legal Congress on Aviation held at Lyons, the jurists had discussed questions of air insurance, and had considered that they were competent to do so. As a matter of fact, the question whether insurance should be compulsory or not was a matter not for financiers but for Governments. It was a question not of examining rates but of laying down the principles of insurance. He would repeat that, from the point of view of the safety of the users of aircraft, insurance was of vital importance to commercial aviation. Moreover, the Company undertaking the risks would have to know the extent of its liability. The International Technical Committee of Legal Experts for Air Navigation had already dealt with insurance. He quite understood Sir W. Sefton Brancker's apprehensions, but would point out that the discussions of the present Committee in no way bound Governments and that they were merely examining a principle. As regards the methods of application, however, it would be necessary to consult specialists.

Dr. OPPIKOFER wished to draw attention to the difficulties of insurance from the legal point of view. There was compulsory insurance for third party risks in nearly every country, but the system differed very widely in each. In Germany and France, for instance, it was sufficient for foreign aircraft to be insured abroad; in Switzerland every foreign aircraft had to be insured with a Swiss company or one holding a concession for Switzerland; in the Netherlands, the insurance company was obliged to have a representative in the country so that it was sometimes necessary to take out a large number of policies. The simplification of the legal problems raised by compulsory insurance might be of great advantage to commercial aviation.

The CHAIRMAN said that Dr. Oppikofer's statement met the objection raised by Sir W. Sefton Brancker; the Committee would confine itself to the legal study of the question, which was of great importance to the development of civil aviation. He proposed that an amended text of M. Pittard's proposal should be examined at second reading.

*The proposal of the Chairman was adopted.*

(d) PROPOSAL BY M. DE VEER.

M. DE VEER said that he had supplemented his original amendment (Annex 4) by particulars of a system (Annex 10) given as an example to explain the scope of his original proposal.



Sir W. Sefton BRANCKER thought that this question was much the most important of those submitted to the Committee. He would like to illustrate that point by an example, and he thought that his French and Netherlands' colleagues could give very similar examples. An aircraft leaving England for the East could cross Europe without difficulty. Trouble would begin, however, when it neared the East and was over Persia, for example. The agreement with that country was about to expire and no one knew what the future regime would be. Persia might adopt a restrictive interpretation of Article 15, and it might not be possible for the aircraft to fly over her territory. Italy had already given a restrictive interpretation to the agreement, and the route had had to be changed. Those conditions made the normal operation of air traffic impossible. It was necessary to ascertain a sufficient time in advance the conditions under which the journey would be effected, so that the necessary arrangements could be made to remove difficulties, organise a suitable air fleet, etc. For instance, if an aircraft flew from London to India, it should be free to use the Cologne-Nuremburg or Paris-Nuremburg route, and there was no likelihood of Germany or France objecting to one of those routes being used one week and the other the next; the same applied to the routes via Prague or Vienna, via Constantinople or the Mediterranean, via the Persian Gulf or overland, according to the time of year, etc. In short, an aircraft must be allowed to change its route. That was what he understood by the freedom of the air.

M. MOLFESE said that Sir W. Sefton Brancker was under a misapprehension in regard to the negotiations between Italy and Great Britain. It was not true that Italy had asked for economic compensation or reciprocity, which was usual in contracts of that kind. His country had simply offered to operate the portion of the line Genoa-Alexandria (Egypt) in conjunction with Great Britain. Italy had defrayed the cost of that part of the service under the pool system which had always been recommended by the Committee. England had started to operate the service, had drawn the profits and had obtained all the desired facilities in Italy; at a certain moment, however, the British Government had declared that it had no recollection of having undertaken certain engagements and it was at that stage that Italy, considering that her co-operation was at an end, had resumed her freedom of action.

Sir W. Sefton BRANCKER explained that the British interpretation of Article 15 was as follows: Once Great Britain had decided that the best route for a service from Great Britain to its colonies in Asia was over Italian territory, it should have been sufficient for it to notify that country of its decision, after which the service would begin without any need for special negotiations.

M. FISCH, referring to M. de Veer's proposal, thought that what the Committee had to decide was whether it was advisable to study the question of a greater freedom for air lines than at present exists. Moreover, there was no need to mention the C. I. N. A. M. de Veer's proposal was to some extent similar to paragraph 5 of M. Bouché's proposals. Personally, he thought that the whole question might be settled by paragraph 5, but if M. de Veer did not agree, perhaps he would consent to modify his text as follows:

"The Committee recommends that the competent bodies should study the question of greater freedom than exists at present for regular air lines. In order to arrive at a more satisfactory solution, the Committee recommends the respective authorities of the various countries to treat requests for permission to operate regular air lines in as liberal a spirit as possible."

M. DE VEER said that he was prepared to agree to M. Fisch's suggestion.

M. MOLFESE was also in favour of M. Fisch's amendment. The present Committee included a number of representatives of countries which were members of the C. I. N. A. and had given definite votes in that Commission, and it would be awkward for them if they were obliged to vote differently in another Committee.

M. FISCH explained that each country, while displaying as liberal a spirit as possible, would have the right to reply to requests in whatever manner it thought fit, according to its own requirements, and the rights accorded under Article 15 should be reserved.

M. SONDERMAYER thought it his duty to explain the desire of countries which stood in a somewhat special position in the matter. While maintaining the principle of the sovereignty of each State over its territory, Yugoslavia had never availed itself of the provisions of Article 15, and all requests from foreign companies had been favourably considered. That country had always been and would continue to be inspired by a desire for the international development of aviation. Nevertheless, present circumstances made a certain amount of distrust inevitable. There would be no difficulty if all the companies which applied to Yugoslavia were animated by the same desire, but, without mentioning any names, he knew of one foreign company which, without any economic necessity, wished the air service crossing Yugoslavia to be operated by its national aircraft. It was obvious that a claim of that kind was contrary to the spirit of international co-operation which should govern the matter.

M. RUIZ FERRY supported, with regard to Spain, the observations of M. Sondermayer and added that he could mention not one but several cases of the same kind.

Colonel FILIPOWICZ agreed with M. Molfese. The Committee included several representatives of Governments members of the C. I. N. A., and it would not be possible for them to give their vote



in a sense contrary to the engagements undertaken by their Governments before the official international organisation.

M. PITTARD said he was surprised at the statements which had just been made. He was in no way antagonistic to the C. I. N. A., and had, in fact, urged his Government to become a member of that organisation. It was obvious that Governments members of the C. I. N. A. were bound by their decisions, but that organisation had been placed under the ægis of the League, and Geneva was the very place where Governments not members of the C. I. N. A. could ask for an account of what it had done. It was the object of the present Committee to promote co-operation between air transport undertakings and not to regard previously adopted texts as unalterable.

M. DE VEER thought that the apprehensions raised by his original text had been removed by M. Fisch's amendment. In speaking of the freedom of air lines, they were not thinking merely of the C. I. N. A., but of cases with which that organisation had nothing to do.

The CHAIRMAN said it was his duty to try to discover what there was in common between the different statements, and noted that there was agreement on three points :

1. All the members of the Committee, including M. Pittard, thought—possibly for different reasons—that the C. I. N. A. should not be mentioned. The Committee was not under the jurisdiction of the C. I. N. A., or *vice versa*, and it was doubtful whether the present Committee was competent to ask the C. I. N. A., on behalf of the League of Nations, for an account of its work.

2. All the members agreed that greater freedom in regard to the establishment of international lines was desirable, although no exact formula had been arrived at. In that connection, the most radical solution was that proposed by Sir W. Sefton Brancker.

3. There was agreement on a point of procedure—namely, as regards the adoption of a similar text to that of M. Fisch.

If the Committee agreed that that was an accurate summary of its views, it would only be necessary to invite the authors of the different proposals to submit a joint text at second reading.

M. MOLFESE said he was anxious to clear up the present misunderstanding and to remove the embarrassment of the members of the Committee who were likewise Government delegates to the C. I. N. A. He proposed the adoption of the following text :

“The Committee recommends that special agreements should be concluded between the Governments with a view to obtaining greater freedom of civil aviation.”

That text would conform both in spirit and in letter to the last paragraph of Article 15, which allowed a certain freedom to Governments.

M. SONDERMAYER fully approved the Chairman's observations. He would like it to be added, however, either in the form of an amendment or by means of an alteration of the wording, that the liberalism recommended to countries whose territory was crossed by international lines should also be recommended to companies operating those services. The latter were often animated by a spirit which might be harmful to the spirit of international co-operation. Foreign companies whose lines crossed other countries should co-operate with the aircraft of those countries whenever co-operation was likely to increase the remunerativeness of the international line in question.

The CHAIRMAN pointed out that his colleague had raised a somewhat different question, and one which was likely to give rise to further discussion. He would ask him to submit a draft resolution for discussion at the second reading.

M. SONDERMAYER explained that it had not been possible for him to formulate his recommendation, which might interest other countries, until the Chairman had summarised the position of the discussion.

M. FISCH said that it had been suggested that M. Bouché's proposal might be combined with that of M. de Veer and thought that M. Sondermayer's suggestion might also be incorporated.

M. BOUCHÉ said that, in conjunction with M. Fisch, he would endeavour to draw up a text taking M. de Veer's amendment into account. It should be noted, however, that, if the part of that proposal on which agreement had been reached were incorporated in paragraph 5 of his own proposals (Annex 2), M. de Veer's text, which had been amended in a restrictive sense, would be made still more restrictive, since all the proposals which he himself had submitted referred to a certain definite system. The proposal would no longer relate to the question of freedom in general, but of freedom in regard to certain lines.

The CHAIRMAN thought that that difficulty might be remedied by dividing paragraph 5 into two paragraphs, provided that agreement were reached as to the necessity for more liberal treatment of the main services.

M. DE VEER, for reasons of principle, thought it inadvisable to combine the two proposals. The recommendation referring to greater freedom would lose its force if it were incorporated in the special programme drawn up by M. Bouché. He wished the general question which he had raised to be treated separately, and M. Bouché's programme to be maintained as a special question for study.



The CHAIRMAN said the Committee agreed that the two proposals should be kept separate.

M. ROPER was doubtful whether M. Fisch, M. Molfese and M. de Veer were actually in agreement as to the amendment of the proposal of the last-named. According to M. Fisch's draft, the "competent bodies" were to examine the question. If the Committee thought that term should be retained, what were the bodies in question? Did the term refer to the present Committee or to the C. I. N. A.?

The SECRETARY OF THE COMMITTEE thought it better to leave the question of drafting until the second reading. No one had proposed that the present Committee should examine the modification to be made in the existing law on the matter. Two proposals, differing in form only, had been made, one to the effect that the competent bodies should be asked to examine the question, and the other recommending Governments to conclude agreements. The two suggestions amounted to one and the same thing, put in different ways; they should consider which was the better one. The reason M. Roper had asked his question appeared to be because the plural, "the competent bodies" was used. The Secretary of the Committee suggested that they should propose in vague terms the study of a modification of the existing international law in the direction of greater freedom; that would be for the future. In the meantime, Governments might be requested, on the basis of the existing law, to examine, in as liberal a spirit as possible, requests for permits made to them, or to conclude special agreements among themselves.

The CHAIRMAN thought that the best solution would be to ask M. Fisch to draw up a text after consulting the various authors of the amendment (M. Molfese, M. de Veer and M. Sondermayer).

*The Chairman's suggestion was approved.*

The CHAIRMAN said that the proposal by Colonel Isler (Annex 6) had been withdrawn, as its substance had been incorporated in other texts.

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## SIXTH MEETING

*Held on Thursday, July 10th, 1930, at 3.30 p.m.*

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*Chairman : M. DE BROUCKÈRE.*

Present : All those present at the preceding meeting.

### XI. Draft Resolutions (continued).

#### (e) PROPOSAL BY M. FISCH.

The CHAIRMAN read M. Fisch's proposal (Annex 5) and opened the discussion on that text.

Sir W. Sefton BRANCKER said that, in his opinion, there were two classes of air transport—national and international. National transport was that of countries such as Great Britain, the Netherlands and France, which wished to transport their mails from the mother-country to the colonies. For that purpose, they desired unrestricted freedom of passage over the countries traversed, and their claim appeared a legitimate one, as that freedom was necessary and they did not in any way interfere with local traffic. International transport was of a different kind and necessitated the formation of companies or pools, which, as M. Fisch had said, were already in existence, as, for example, between Germany, Czechoslovakia and Switzerland, and those pools were operating normally. He did not think, however, that, in future, the formation of a pool would be sufficient for the establishment of international air connections. It would be necessary to adopt a solution similar to that adopted by the Société des Wagons-Lits, but unless the League of Nations took up the matter they would have to wait, as had been necessary in the case of the Société des Wagons-Lits, until air transport companies considered that the international traffic was of interest from a commercial point of view.

M. MOLFÈSE said that M. Chaumié had made some very interesting statements regarding the question of future co-operation between air-navigation companies operating services to the Far East, and those statements had given him great pleasure, as they coincided with the views which he had himself expressed on several occasions during the last few years. He was convinced that all the members of the Committee hoped that, as civil aviation progressed and the artificial regime, under which it was supported by Government subsidies, was replaced by a purely economic regime, bolder experiments and the formation of international groups would be possible. Even in the present state of affairs, the Committee would find that, without waiting for the necessary changes in national and international legislation and the completion of the schemes for the amalgamation



of the various companies, the goodwill of Governments, and the loyal observance of equitable agreements would enable close co-operation, satisfactory to all, to be established at once. If all thoughts of a monopoly were abandoned, it would be possible even in the present state of direct agreements and of pools already established between companies under Government control to secure a satisfactory measure of collaboration between the various civil aviation undertakings. That might, of course, be made more complete in the near future, but it could be initiated even with the systems at present in force. In those circumstances, while appreciating M. Chaumié's proposal, M. Molfese said that he supported M. Fisch's proposal.

M. FISCH said that, in substance, he appeared to be in agreement with Sir W. Sefton Brancker if the latter thought that it would eventually be possible for pools to be adapted to the organisation which he advocated. These pools could, of course, be arranged in different ways according to economic requirements.

M. SONDERMAYER thought that the question of national air transport should not be dealt with by the Committee, as the question of connections had a political side, which should not be touched on by a Committee on civil aviation ; but Sir W. Sefton Brancker's observations were of interest, as national lines might possibly be utilised for international purposes.

M. CHAUMIÉ thought that M. Fisch's proposal could best be discussed by taking the various parts separately. As regards the first paragraph of that proposal, he thought that all the members of the Committee were in agreement ; the present state of affairs must not be lost sight of, and it was obvious that the pools system had proved effective ; it was a necessary stage on the road to better international conditions.

However, he could not accept the second part of M. Fisch's proposal—namely, to refer the question of the establishment of an international company to the representatives of commercial aviation companies already in existence. That was a political question, which lay outside the province of those companies. He thought it would be best to draw up a text to the effect that the Committee would ask the various Governments, through the League, to investigate the question. The fact that it was of fundamental importance should be emphasised ; it was as vital to-day as the questions of submarine cables and transcontinental railways had been yesterday. The examination of the question was consequently a matter for Governments, which should co-operate effectively with each other by creating an international company to control the main air lines, otherwise competition between national lines would give rise to disputes, which must be avoided at all costs.

M. FISCH agreed with M. Chaumié that the question had a political side, but the essentially commercial nature of the problem could not be ignored. In that connection, he could not help comparing the position with the state of affairs existing in maritime navigation ; although the conditions were identical to those of air navigation, there was no international organisation. The healthy competition between the different companies had not hampered the development of maritime navigation.

He thought it possible to solve the problem by economic means. If shipping companies found that the establishment of an international company would enable them to increase their commercial returns, they would at once form a trust. They had not done this so far. For that reason he did not think his proposal interfered with the future development of commercial aviation.

M. CHAUMIÉ feared that if, for instance, Great Britain or the Netherlands decided to interpret Article 15 of the Convention of 1919 in its restrictive sense, it would be absolutely impossible to arrive at an international agreement, and he thought that, in the interest of all countries, Powers should be forbidden to close their territories to international air traffic. That could only be done by a political settlement of the question.

M. FISCH recognised the truth of M. Chaumié's observation, but thought that countries which took such action would be hoist with their own petard, as other countries would retaliate ; consequently there was no danger of States acting in that way. He would repeat that the question was the same as in the case of maritime navigation, since ships, after crossing the open sea, were obliged to put into foreign ports.

M. MOLFESE thought that the following solution might be adopted. Since the companies had a first-hand knowledge of the position, they could be asked to furnish the material for an enquiry, to be carried out by the competent authorities of the various Governments.

The CHAIRMAN said that the Committee was already agreed on certain points. It unanimously accepted paragraph 1 of M. Fisch's proposal ; pools had been established and should be perfected. In this connection, he ventured to suggest to M. Fisch a possible improvement in his text. Did not the following sentence : "at this stage it seems very difficult to replace that system by a more perfected organisation", go further than he intended, since, in his second paragraph, provision was made for the possibility of improving those pools ?

As regards the second paragraph of the proposal, he thought that agreement might be reached between M. Fisch and M. Chaumié, as M. Molfese had suggested.

M. FISCH, in reply to the Chairman's observation, pointed out that the sentence mentioned by the Chairman was made less categorical by the words : "at this stage".



The CHAIRMAN asked whether the following wording would not be better : "Efforts should primarily be directed towards the replacement . . . ." It was better to have a constructive proposal than the negative one suggested by M. Fisch. Nevertheless, if there was agreement as to substance, the final wording might be left until the second reading.

As regards the second paragraph, he would draw attention to the following proposal by M. Chaumié :

"The Committee recommends that the League of Nations should draw the attention of Governments to the importance of establishing in the future large international lines in respect of which an international statute would be drawn up."

M. CHAUMIÉ said that his proposal might form the second part of M. Fisch's text. Personally he did not think that the Committee could examine the substance of that question, as it was a political one, but it should bring the matter to the notice of Governments. The question was not an entirely new one, since, in connection with the Suez Canal, the Straits and international waterways, the Powers had decided that the importance of those communications exceeded the interests of the riparian States. The Committee should not shirk the problem, but should have the necessary vision and point the way to the various Governments.

The CHAIRMAN said that the various views were very similar and proposed to M. Chaumié and M. Fisch that they should draw up a text the wording of which would be discussed at second reading.

M. SONDERMAYER pointed out that the Committee appeared to be coming back to the question raised by M. de Veer.

The CHAIRMAN said that that was true, but pointed out to M. Sondermayer that, whereas M. Chaumié had proposed a statute without specifying its nature, M. de Veer had proposed a liberal statute ; the difference was obvious.

(f) PROPOSALS BY M. ALLARD.

The CHAIRMAN read M. Allard's proposals (Annex II).

M. ALLARD said that the discussions which had taken place during the past three days had clearly shown the many difficulties which would have to be overcome before the bases of an international or European air transport organisation could be established. Although he did not for an instant contemplate the abandonment of the idea of an international agreement, which all the members of the Committee had at heart and which he himself thought would be possible to bring about for all air transport, he was of opinion that the most practical course for the Committee to adopt would be to simplify the problem and to begin by studying the organisation of European postal air transport. He had already mentioned the conditions which he considered essential for the logical development of that transport. M. Bouché's remarks concerning the economic returns from air transport were very true. Nevertheless, at the present time, and in view of the working cost of the transport of a ton for a kilometre by air, he thought that they were all agreed that the transport of mails alone could be regarded as a paying proposition if not immediately, at all events in the near future. It was not the Committee's business to examine the means of reducing the working cost per kilometre ton. He would, however, like to give the Committee a brief summary of the eight points mentioned by him at the third meeting (see page 14) and which, in his opinion, would have to be settled if the transport of mails were to become a paying proposition in the near future.

1. As regards long distances, like all the members of the Committee, he agreed with M. Chaumié as to the necessity for large intercontinental lines (Indo-China, Congo). The proposal should be retained, but he thought that, if they confined themselves to Europe, useful work could be done immediately, and the results of European co-operation would inevitably lead to a wider organisation as contemplated by M. Chaumié.

2. There was no need to stress the enormous propaganda which would result if European countries all agreed to interest themselves in European postal transport.

3. He had urged that there should be a day and night mail service. He had ascertained that the members of the Committee agreed to that, and that Colonel Isler had even submitted a definite recommendation on the matter, to which effect had been given through the adoption of his proposal for the study of postal air transport.

4 and 5. Special and constant study should be given to the ground organisation necessary for night flying (beacons, ground marks, provision for flying in foggy weather). While he agreed with M. Fisch's observations to the effect that, at the present time, air transport was too irregular, he thought that European co-operation, which would lead to a study of the means of directing aircraft and provision for their landing in foggy weather, would help to facilitate the solution of the problem of irregularity.

6. The members of the Committee had realised the difficulties raised by the surtax, but had been unable to find a solution. In any case, the Universal Postal Convention provided that a maximum surtax of 0.25 gold franc could be charged. That surtax would be amply sufficient to cover the working cost, as it would represent a sum of 25 gold francs per kilometre-ton, whereas the working cost amounted to an average of 7 gold francs.

7. The Committee had agreed to take the necessary steps to reduce the formalities for the users of air transport to a minimum.



8. He also thought they were all agreed that if mails were carried separately from other articles or from passengers, aircraft better adapted to the work would be built, and greater economy would be effected. Moreover, there would be no Customs difficulties.

For all those reasons he would like to submit to the Committee the draft resolution which had just been read by the Chairman and which, moreover, coincided with the views of M. Ångström.

M. FISCH pointed out that paragraph 7 of M. Allard's proposal would be unnecessary if M. Chaumié's amendment to his proposal were adopted.

The CHAIRMAN said he agreed that if M. Chaumié's proposal were adopted, paragraph 7 and the second paragraph of the preamble would be automatically left out.

M. PITTARD said that he had taken part in an international experts' enquiry regarding international companies, and, like the rest of the jurists, he had reached the conclusion that, in the present state of legislation, the formation of an international company was not possible, but that that might not apply to the future, and, in that connection, the experts had examined the utility of an international company. There were no political or international but only legal obstacles in the way of its establishment ; he thought that the organ best qualified to study the question was The Hague Institute of International Law. The Committee could propose that study to the Institute in a recommendation.

Sir W. Sefton BRANCKER also thought it necessary to take steps in the matter. The Committee might perhaps refer the question to the International Air Traffic Association instead of setting up a new sub-committee as proposed by M. Allard ; the International Air Traffic Association would study the question and would communicate the results of that study to the various postal administrations and to all Governments. If it suggested concrete proposals, the decision would rest with the latter.

M. ALLARD said he quite agreed that if a competent organ already in existence were willing to examine the question it should be asked to do so ; the reason for which he had suggested the establishment of a special organ was that the question had been outstanding for the last two years and, as far as he was aware no one had done anything in the matter.

M. ÅNGSTRÖM also thought M. Allard's suggestion a very useful one. It was very difficult, however, for the representatives of private companies to deal with such important matters as postal questions. It would be better for them to be dealt with by a more comprehensive committee, including representatives of postal administrations.

The CHAIRMAN thought that the Committee should not confine itself to a simple recommendation, but should take some definite action and prepare the ground for an examination of one or two special questions. These problems should not be passed on to other organs but should continue to be examined by the Committee itself so that definite proposals could be made later ; he thought, therefore, that the appointment of a sub-committee as proposed by M. Allard was essential.

M. CHAUMIÉ said he fully agreed that action was necessary and that the competent persons should be requested to prepare maps as proposed by M. Allard.

He was doubtful, however, as to the advisability of entrusting to the sub-committee the examination of the other questions, which were of a highly technical nature ; there were postal questions, which ought not to be discussed solely by postal experts, and technical questions relating to air transport which were of a very special nature. He thought that to allow all those points to be examined by the sub-committee would be to encroach upon the domains of other specialists.

M. ALLARD did not think those questions too technical. To give a practical example : certain research work on flying in fog had been carried out in Belgium. It was not decisive, because the tests had had to be suspended for various administrative reasons. Was it not absolutely essential to affirm the necessity for encouraging such inventions and to entrust the matter to the sub-committee ?

M. FISCH entirely agreed with the Chairman. He also proposed that M. Allard's and M. Bouché's proposals should be combined, as they had a similar object.

M. ÅNGSTRÖM thought, on the other hand, that the two questions should be kept separate, as night transport for mails was a very different matter from night transport for passengers and goods ; while postal air transport by night was now a paying proposition, passenger traffic was not yet practicable.

Those two questions should be kept separate for the moment and the results of postal traffic and passenger traffic subsequently compared. It might perhaps be possible to come to some better arrangement later.

M. BOUCHÉ also thought that the two questions were quite separate (for instance, from the point of view of the route followed, postal routes were not necessarily the same as passenger routes.) They should be studied separately and the results collated later, when the progress made in one branch of air traffic might possibly be applied to the other.

M. FISCH withdrew his proposal, but pointed out that in Germany there was a night service for passengers between Berlin and Königsberg.



M. DE VEER also thought it necessary to submit concrete proposals, and asked what would be the composition of the sub-committee to be set up to examine the problems raised by M. Allard. M. Allard's proposals related to postal questions, which could not be dealt with without the co-operation of postal experts, and there were no postal representatives on the Committee.

The SECRETARY OF THE COMMITTEE agreed with Sir W. Sefton Brancker that the proposed organ should not be too cumbersome. It might be asked to submit reports and obtain information from the representatives of the various services concerned, without, however, including them among its members; if it were in touch with the organs already in existence, it might be possible to carry its enquiries further without duplicating their work.

The CHAIRMAN said that the Committee was unanimously agreed that certain of M. Allard's conclusions should be submitted for examination to the sub-Committee, which should in any case be a very small one, and should consult experts but should not include them among its members.

The Committee would consider at the second reading which proposals necessitated exhaustive investigation.

He opened the discussion on M. Allard's proposals, which would be examined one by one.

1. *To prepare a map of the air lines to be established between the capitals of the European countries and the points of importance to postal traffic in these countries.*

This would be a map of postal connections and not a map of the kind included in M. Bouché's report.

*The Committee agreed to refer the question to the sub-committee.*

2. *To study the question of the surtax.*
3. *To make all the necessary arrangements with the postal services concerned, regarding in particular the handing over of mail to the aeroplane, the distribution of mail, etc.*
4. *To indicate the technical conditions for the normal marking-out of routes by night.*
5. *To propose suitable means for increasing the efficiency of aircraft responsible for ensuring the service in misty weather.*

*The Committee agreed to refer these questions to the sub-committee.*

6. *To draw up specifications of the performances and qualities required of one or more postal aeroplanes to be utilised on the lines under consideration, account being taken of the estimated freight and of local meteorological conditions.*

M. ROPER pointed out that this question affected the conditions governing the issue of the certificate of air-worthiness.

M. ALLARD then proposed to add "taking into account the minimum safety requirements laid down by the C. I. N. A." It was, however, important to specify the exact characteristics of postal aeroplanes.

M. ALLARD, in reply to a question by the Chairman as to whether it was necessary to say "performances and qualities", added that, as regards an aeroplane, "performances" covered all qualities which could be measured mathematically, while "qualities" referred to characteristics which could not be determined by figures.

*The Committee agreed to refer the question to the sub-committee.*

7. *To study the advantages and drawbacks of a single international company and of co-operation between companies.*

The CHAIRMAN pointed out that if the Committee adopted M. Chaumié's proposal, the paragraph would be omitted.

M. ÅNSGTRÖM proposed that the paragraph should be retained, and that, instead of "a single international company", the words "one or more international companies" should be used, as it would be better to have several companies—for instance, one for mails in northern countries and one for southern and central countries.

The SECRETARY OF THE COMMITTEE said he thought two questions had become confused with each other, and a better wording might be devised. Reference had first been made to an international company, which it would be extremely difficult to establish and which would involve considerable changes in legislation; it had also been proposed that there should be one or more companies on the lines of the Société des Wagons-Lits. The establishment of such companies would present difficulties, not of a legal, but of a practical nature. Consequently, both those proposals would involve changes, though of a different kind. While not excluding the possibility of establishing an international company at some future time, it would be better to aim at the formation of a practical company, provided that the law would permit the aircraft of that company, which would have a single nationality, to fly over the territories of various countries without any restriction.

The CHAIRMAN said that the Committee would probably arrive at the conclusion that the formation of an international company would be very difficult. It would therefore be better



to aim at the establishment of a practical international institution such as already existed in the Bank of International Settlements, for instance. In that case, would it not be better to draft paragraph 7 as follows : "To consider the form which international co-operation should take" ?

M. PITTARD asked whether the text of M. Chaumié's proposal would be added to paragraph 7

The CHAIRMAN replied that that text had a more general scope, as it related to air transport as a whole. It would therefore be incorporated in M. Fisch's draft resolution.

*The Committee agreed to refer the questions to the sub-committee.*

8. *To study, if necessary with the competent authorities of the different countries concerned, the sections which might be operated by each.*

*The Committee agreed to refer this question to the sub-committee.*

(g) PROPOSAL BY COLONEL ISLER AND M. PITTARD (Annex 12).

Colonel ISLER appealed to the Government representatives who were members of the Committee to establish without delay the bases of international co-operation ; he was convinced that, if those questions continued to be split up among a number of different bodies, any action to co-ordinate them would be taken too late.

As regards the details of his proposal, he wished to reply to an objection raised at a previous meeting to the effect that the permanent organ proposed would have no influence as it could not issue orders. That was true in a sense, but he thought the organ he had proposed would be at the head of all the organs already in existence and would co-ordinate their work.

Outlining the field of activity of that organ, he said he thought its object might be threefold : (1) To examine a general programme of enquiries, questions being dealt with in the order of their urgency ; (2) to guide the work of the various bodies already in existence ; (3) to render services to those bodies. In carrying out that scheme, the programmes of the existing bodies might be co-ordinated and contact might then be established with them, as had been done by the Institute of Aerial Law at Königsberg, of which Dr. Oppikofer was the head, and the difficulties encountered by those bodies in the performance of their task might be investigated ; finally, all air postal organs and all Governments should have the right to apply to it for information and for material to assist them in their investigations of questions which were of special interest to them.

The organ might perform the following tasks : Distribute a programme of enquiries ; furnish information to the institutions already in existence as to the urgency of the points to be examined ; invite the latter to expedite the investigation of certain questions of special importance ; convene or participate in conferences.

It should also render services, as that was the only real form of co-operation, and might do so by collecting complete information, which should be kept scrupulously up to date, on all matters relating to air transport, and in short should build up the archives of international aviation.

M. SONDERMAYER said that he could not visualise very clearly the composition of the organ proposed by Colonel Isler.

M. ROPER thought that the functions which Colonel Isler proposed to attribute to that organ had already been assigned to the C. I. N. A.

M. MOLFESE said that the present Committee had been summoned to reduce to a minimum the organs dealing with air navigation and to endeavour to simplify the position, which had become very complicated. Since the commencement of its discussions, however, four or five new Committees had already been set up. For that reason he could not agree to Colonel Isler's proposal.

M. FISCH pointed out that they already had the Committee for Communications and Transit. Could it not carry out the work proposed by Colonel Isler ?

Sir W. Sefton BRANCKER strongly supported M. Molfese's proposal. He said that the International Air Traffic Association and the C. I. N. A. had done much more in regard to aeronautic questions than was generally realised, and the tasks suggested by Colonel Isler could be confidently entrusted to them—moreover, those Commissions were already overburdened with work and the establishment of a new organ would inevitably increase the tasks of the organs already in existence, while it would hamper general progress.

He thought the Co-operation Committee might meet from time to time to draw the attention of the International Air Traffic Association and the C. I. N. A. to tasks which it desired them to carry out, and to indicate to them the means of improving co-operation in regard to international aviation.

Since Colonel Isler had asked for a clearing-house, he thought those functions could be performed by M. Roper, who, as Secretary-General of the C. I. N. A., attended the meetings of all organs dealing with aviation, and might communicate to each of them the result of the work of all the rest.

The SECRETARY OF THE COMMITTEE was inclined to think that the proposal of Colonel Isler and M. Pittard was too rigid. The object of the Committee was to co-ordinate the various organs dealing with aviation. It would, therefore, be somewhat paradoxical to propose a new permanent organ, and, in his opinion, it would be better to co-ordinate existing organs without adding a new



element. The Communications and Transit Organisation, which was in touch with all organs of aviation and took an interest in all those questions (as indeed was proved by the meeting of the Committee), might, he thought, discharge the functions which Colonel Isler wished to entrust to his permanent organ. The desired object could thus be achieved without the necessity for creating such a super-organ, while the necessary elasticity would be maintained.

M. PITTARD did not agree with Sir W. Sefton Brancker that the Secretary-General of the C. I. N. A. could act as a clearing-house, since the C. I. N. A. was a private organisation of which not all States, even European (Germany and Switzerland for instance), were members.

He maintained that there was a gap in the organisation of aviation, and he would be glad to see an institute established for the purpose of co-ordinating all the various activities, its work being divided into three sections—an administrative section, which would perform the functions at present entrusted to the C. I. N. A., an economic and commercial section (the subjects with which it might deal had been studied by the present Committee) and a legal section, which should be absolutely autonomous (since legal questions needed to be treated separately).

The amalgamation of all the organs might be a very difficult matter, but he thought it was nevertheless possible. The C. I. N. A., whose rôle would be extended, might form the administrative section.

He would emphasise the fact that he did not desire a new organ, as M. Molfese had thought, but the amalgamation of all the Commissions already in existence, so that they would form a single organ, to which sporting and tourist sections might be attached; he thought this concentration of effort would be extremely beneficial to air navigation.

If the Committee were definitely opposed to the establishment of such an organ, the question of placing all air navigation commissions under the C. I. N. A. might be examined.

M. SONDERMAYER thought that a compromise might be found between the proposal of Colonel Isler and M. Pittard and the Secretariat's proposal: without setting up a permanent organ, they might ask the Transit Committee to make a special study of the question and to undertake the work of co-ordination, which they all agreed was necessary.

M. MOLFESE wished to clear up a misunderstanding. M. Pittard had spoken, in the statement he had just made of "establishing" a new institute for co-ordinating the work of the existing organisations. After M. Pittard's explanations of his proposal, which aimed at a "concentration" of these organisations, M. Molfese fully approved the suggestion to amalgamate all the organs and to enlarge the functions of the C. I. N. A., so that it should embrace them all.

M. RUIZ FERRY said that the fact that the League of Nations had thought it necessary to convene the meeting of that Committee proved that the organs already in existence were inadequate. He therefore supported the proposal of the Yugoslav delegate, and hoped that the Communications and Transit Committee would be entrusted with the task.

The CHAIRMAN thought that the text drawn up by Colonel Isler and M. Pittard contained three proposals: (1) That co-ordination was necessary between the organs dealing with air navigation; the Committee was unanimously in favour of co-ordination; (2) that new centres of study should be created if necessary; all the members of the Committee appeared to be in favour of that proposal also; (3) that a permanent organ should be set up to obtain those results. It was on that last point that the whole discussion turned. In the first place, he thought that if they said, as the Swiss delegates proposed, that "the only possible course was to set up a permanent organ", they would be prejudging the desired results. Moreover, there was a constitutional difficulty; the Co-operation Committee had been convened by the Communications and Transit Committee of the League. The Communications and Transit Committee had been set up under Article 23 *e*) of the League Covenant, which provided for the establishment of an organ to secure and maintain the freedom of communications and transit; if a new organ were created, it would disturb the organisation of the League. Moreover, he thought that the fact that the League had summoned the present meeting proved that it took an interest in air navigation, and he thought that they could confidently entrust the matter to the Communications and Transit Organisation, which proposed to take over this new task. He thought that the Committee should confine itself to affirming the necessity for co-ordination, leaving the working out of the problem to the Communications and Transit Organisation. The Committee should continue to co-operate by dealing with concrete cases, the settlement of which would gradually help to regulate the questions.

There was one other consideration which militated in favour of that solution. The Supervisory Commission would certainly be reluctant to agree to any further expenditure, which the proposed co-ordination organ would be bound to involve, whereas, if the solution proposed by M. Sondermayer were adopted, expenditure would not be increased, while the principle advocated by Colonel Isler would be safeguarded.

M. MOLFESE added that the Committee included heads of air navigation in Europe and the Far East, who were also members of the C. I. N. A. and other organisations; they were all perfectly acquainted with the state of all air problems; and at subsequent meetings they might suggest to the competent organs how the work should be allocated. That allocation could be effected by the Communications and Transit Committee, which was quite competent to perform the task.



The CHAIRMAN considered that the Committee had reached agreement on the three problems raised in the proposal of Colonel Isler and M. Pittard. He thought, therefore, that the Committee had now completed its work, but that the texts adopted must be properly drafted and that there should be a second reading. He proceeded to appoint a Drafting Sub-Committee, consisting of the Rapporteurs, M. Fisch, M. Chaumié, and M. de Veer. Any member of the Committee who specially desired to do so might, however, take part in the meeting of the Sub-Committee.

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## SEVENTH MEETING

*Held on Saturday, July 12th, 1930, at 10 a.m.*

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*Chairman : M. DE BROUCKÈRE.*

Present : All those present at the preceding meeting, with the exception of Sir W. Sefton Brancker.

### XII. Draft Report.

The CHAIRMAN read the draft report drawn up by the Sub-Committee (Annex 13).

#### INTRODUCTION.

M. SONDERMAYER thought that the necessity for safety was not emphasised sufficiently in the introduction ; he would like that matter to be mentioned, as he thought it was an extremely important point which had been omitted.

M. MOLFESE thought it might perhaps be unwise to mention safety owing to the consequences in regard to insurance.

M. SONDERMAYER said that it was precisely on account of insurance that he wished the matter of safety to be mentioned. After stating that aviation was still somewhat dangerous, they should add that there were means of lessening the risks.

The CHAIRMAN said that reference should be made to safety, but that too much stress should not be laid on the matter. He thought the best solution would be merely to say "situation" instead of "economic situation".

M. SONDERMAYER said he would be satisfied with that amendment.

*The text of the introduction was adopted with the modification proposed by the Chairman.*

PARAGRAPH I : RELATIONS BETWEEN CIVIL AND MILITARY AERONAUTICS.

PARAGRAPH II : UNIFICATION OF PUBLIC INTERNATIONAL LAW ON AIR NAVIGATION.

*These two paragraphs were adopted with formal changes.*

PARAGRAPH III : CO-ORDINATION BETWEEN ORGANISATIONS DEALING WITH AIR NAVIGATION.

General KABA proposed that the heading of this paragraph should read : "Co-ordination of the work of organs dealing . . .", as there was a discrepancy between the heading and the text of the paragraph.

M. BOUCHÉ replied that that was intentional ; the discrepancy between the two texts was intended to allow greater freedom in the matter of co-ordination. The Secretariat's primary object would obviously be to co-ordinate the work, but it would be able to discover indirectly the best means of co-ordinating the tasks of the various organs. He therefore proposed that the discrepancy should be left or, in any case, that the wording of the heading should be retained, as it was more comprehensive.

General KABA agreed with M. Bouché.

M. SONDERMAYER drew the attention of the Secretariat, in this connection, to the International Conference on the Safety of Air Navigation to be held at Paris, the work of which might be of interest.

*This paragraph was adopted with a few formal changes.*

PARAGRAPH IV : CONDITIONS OF ADMISSION OF FOREIGN UNDERTAKINGS EFFECTING REGULAR INTERNATIONAL TRANSPORT.

PARAGRAPH V : PROGRESS OF INTERNATIONAL CO-OPERATION IN THE EXPLOITATION OF AIR-NAVIGATION LINES.

*These paragraphs were adopted with some formal changes.*



PARAGRAPH VI : POSSIBILITY OF STUDYING A SPECIAL STATUTE APPLICABLE TO CERTAIN INTERNATIONAL AIR CONNECTIONS OF GENERAL INTEREST.

General KABA asked what was the nature of the special statute proposed. As he did not quite see what that statute could contain, he would reserve his opinion until later.

M. SONDERMAYER took the same view as General Kaba, and proposed that in order to allow greater freedom to Governments the last part of the resolution should be omitted.

The CHAIRMAN said that the resolution had been adopted on a proposal by M. Chaumié, and that, if the last part were omitted, its whole significance would be lost. He thought the last part was necessary, and pointed out to General Kaba and M. Sondermayer that the Committee had merely drawn the attention of the League of Nations to the problem without indicating how it should be solved. He did not think that the very cautious wording need cause General Kaba and M. Sondermayer any misgiving.

*This paragraph was adopted without any modification.*

PARAGRAPH VII : STUDY OF CERTAIN JURIDICAL AND ADMINISTRATIVE QUESTIONS WHICH AFFECT THE DEVELOPMENT OF INTERNATIONAL CO-OPERATION IN AIR TRANSPORT.

M. ROMEIN asked Dr. Oppikofer whether the extension of social insurance to the staff employed by air companies would apply to the whole staff or to the navigating staff alone.

Dr. OPPIKOFER replied that he proposed that social insurance should be extended to the whole staff, as air companies sometimes sent mechanics, for instance, abroad, and after a time the latter ceased to come under the social insurance system in their own country and were not insured in the foreign country either. That was why he had asked for international insurance.

*This paragraph was adopted without any modification.*

PARAGRAPH VIII : PRACTICAL IMPROVEMENTS IN THE WORKING CONDITIONS OF AIR LINES.

(a) *Extensive and Systematic Employment of Combined Transport.*

After an exchange of views between M. SONDERMAYER, M. BOUCHÉ, M. CHAUMIÉ and the SECRETARY OF THE COMMITTEE, *the last part of the sentence in the second paragraph of (a) was deleted.*

(b) *The Constitution and Operation of the Main Network of Permanent Air Routes.*

*The second paragraph of (b) was amended as follows :*

“An international programme for the equipment of these routes so as to permit of uninterrupted day and night flying.”

(c) *Postal Air Transport.*

At the request of M. PITTARD, and after an exchange of views between M. SONDERMAYER, M. PITTARD, the SECRETARY OF THE COMMITTEE, M. ROMEIN and M. BOUCHÉ, *the order of the paragraphs of (c) was changed. The fifth paragraph became the third paragraph ; paragraph 4 (formerly 6) was amended and now read as follows :*

“4. To draw up specifications of the performances and qualities required of one or more types of aircraft to be utilised on these lines, taking into account the estimated freight and local topographical and meteorological conditions.”

*The former paragraphs 3 and 4 now became paragraphs 5 and 6. Paragraphs 7 and 8 were combined.*

(d) *Periodical Study of the Economic Development of Air Transport.*

*This paragraph was adopted without discussion.*

*The draft report was adopted with the various alterations mentioned above (see document C.395.M.175.1930.VIII).*

XIII. Closing Speeches.

M. MOLFESE said that he had felt in the course of the Committee's work, that the Committee had shown itself, as it were, diffident of its own statements, and that the various speakers had endeavoured, by means of carefully worded phrases, to express themselves in somewhat vague terms.

It should not be forgotten that air navigation was essentially inter-continental in character, and that any other conception would be unworthy of the greatness of this new enterprise. Several colonial Powers had already drawn up vast programmes in anticipation of the future expansion of aviation. Later, when it would be possible, as a result of technical advances and the adoption of entirely different types of commercial and military aeroplanes, to transport persons and goods profitably and swiftly, the small nations would of their own accord establish lines on the world air routes in the same spirit of emulation that they had already manifested in regard to the sea routes.



And if, one day, Europe, having abolished the rivalry between its various parts—just as individual States had abolished municipal rivalry—were to acquire that consciousness of unity which community of race and a common history of a thousand years could not but produce, then all the beliefs and hopes which the members of the Committee had expressed, would become indisputable facts.

It was M. Molfese's hope, that the Chairman—who had presided over the discussions on the various suggestions and proposals with such patience and tact—and all his colleagues on the Committee would assemble on some day in the not-far-distant future and declare that all they had foreseen in July 1930 had passed into the domain of realisation.

The CHAIRMAN warmly thanked M. Molfese ; throughout the Committee's discussions he had felt that he was dealing with practical men who clearly envisaged the concrete problems with which they were faced and were desirous of overcoming all obstacles. He thought that the Committee had done useful work, but, as M. Molfese had pointed out, that work had not yet been completed. Only the first stones had been laid, but, seeing that they rested on a solid foundation and that all the members of the Committee were determined to do their utmost to bring about the solution of all air problems, he was fully confident that they would succeed.

The task could only be accomplished through international co-operation, which, in this, as in every other domain, was absolutely essential. The Committee would have the expert help of the Secretariat, to the members of which he expressed his warmest thanks for their efficient and constant assistance to the Committee during its discussions. He finally thanked the Rapporteurs for the valuable work which they had done.

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## ANNEX 1.

### NOTE BY THE SECRETARIAT ON THE MEETING OF THE COMMITTEE.

[C.C.T./A.C./I.]

The Committee of Experts on Civil Aviation of the Preparatory Commission for the Disarmament Conference, at its meeting held at Brussels from February 7th to 12th 1927, adopted a number of resolutions dealing with the relations between military and civil aviation, one of which was as follows :

“At the present time, civil aviation in most cases has become national in character. It would seem desirable to encourage the conclusion of economic agreements between civil aviation undertakings in the different countries.”

The Assembly of the League, at its eighth session, considered the resolutions adopted by the Preparatory Commission for the Disarmament Conference on the basis of the report of the Committee of Experts on Civil Aviation, and adopted the following resolution :

“The Assembly,

“Whereas, in certain countries, there is at present a close connection from the technical point of view and from the point of view of organisation between the requirements and developments of civil aviation and those of military aviation ;

“And whereas this connection leads to difficulties in limiting air armaments without hampering civil aviation ;

“Declares that it is desirable, for this purpose, that the development of civil aviation should be directed solely towards economic ends to the exclusion of military interests ;

“Recommends all States Members of the League of Nations to act as far as possible on the recommendations made in this connection by the Preparatory Commission for the Disarmament Conference ;

“And requests the Council to instruct the Advisory and Technical Committee for Communications and Transit to consider practical methods likely to facilitate the conclusion of the agreements between aviation undertakings in the various countries which are referred to in these recommendations.”

Further, the Third General Conference on Communications and Transit, which sat at Geneva from August 23rd to September 2nd, 1927, referred to the Advisory and Technical Committee for Communications and Transit a declaration submitted by the Swiss delegation, calling for an enquiry into questions of international organisation in the field of air navigation.

The Advisory and Technical Committee for Communications and Transit, at its twelfth session, held at Geneva from February 27th to March 2nd, 1928, considered the Assembly's resolution and the communications of the General Conference, and adopted the following resolution :

“The Committee considers it desirable to entrust to a special Committee of Enquiry the question of the action to be taken on the resolution of the last Assembly concerning economic co-operation between air-navigation undertakings, in conformity with the recommendation unanimously adopted by the Committee of Experts on Civil Aviation of the Preparatory Commission for the Disarmament Conference.

“The composition of this Committee will be fixed by the Chairman of the Advisory and Technical Committee, who is empowered to take all the necessary steps to promote co-operation between the Governments concerned.

“The Committee of Enquiry thus constituted will also have to study the questions of international organisation in air navigation raised at the Third General Conference on Communications and Transit, and to make any suggestions to promote their settlement, if it considers it possible and desirable to do so.”

The Advisory and Technical Committee has so far delayed appointing the Committee referred to, in order to allow time for the negotiations in progress for the settlement of the relations between the International Commission for Air Navigation and certain Governments not represented thereon. At its recent sessions, however, the Committee came to the conclusion that the Committee of Enquiry should now be appointed. Its principal object is to ascertain whether and on what lines progress could be made by closer international co-operation with a view to increasing the economic efficiency of air navigation and also to developing the international law on air traffic.

The Chairman of the Advisory and Technical Committee for Communications and Transit has decided to convene the Committee of Enquiry to meet at Geneva on July 8th next. In order to assist the Committee of Enquiry in its work, a number of experts have been asked to make preliminary investigations into the present economic conditions of civil aviation (especially in the United States of America and Europe), into the relations between Governments and civil aviation undertakings, and into the principles of the various international Conventions regulating air traffic. Furthermore, as it did not seem possible to study the question of co-operation between civil aviation undertakings without regard to the military considerations that may have influenced the development of civil aviation, a study has been made of the relations between civil and military aviation. These various studies, which will shortly be published in proof and sent to the members of the Committee



of Enquiry, do not engage the responsibility of the Secretariat of the Advisory and Technical Committee. They have been respectively entrusted to M. H. BOUCHÉ, Editor-in-Chief of *l'Aéronautique*, Dr. OPPIKOFER, Professor in the Institute of Air Law at Königsberg. M. S. CACOPARDO, Chief of Section in the Italian Air Ministry, and Brigadier-General P. R. C. GROVES, C.B., C.M.G., D.S.O.

The Committee of Enquiry will be regarded as a committee of experts and will not bind the Governments whose nationals are members. The Chairman of the Advisory and Technical Committee will appoint, as far as possible in accordance with the suggestions of the national authorities concerned, one expert from each of the following countries: Argentine, Belgium, France, Germany, Great Britain, Italy, Japan, Netherlands, Poland, Spain, Sweden, Switzerland and Yugoslavia. These experts will be subject to the usual financial conditions for League meetings of experts. Should the national authorities concerned think fit, each country may appoint a second expert, provided that no additional expense is entailed for the League. The Governments of the United States of America, Brazil and the Union of Soviet Socialist Republics, also have been, or will be, invited to appoint experts if they so desire. The United States Government has already announced its intention of appointing experts to take part in the Committee's work.

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#### ANNEX 2.

#### PROPOSALS BY M. BOUCHÉ.

[C.C.T./A.C./10.]

The Committee considers that, in order to take due account of the international character of air transport and of its still precarious position, a programme of co-operation should be drawn up, at any rate in the European area where agreement is more obviously necessary.

Preliminary studies might deal with the following points in the following order:

- (1) The expansion and systematising of "combined transport";
- (2) A single express postal tariff;
- (3) The determination of the essential air routes;
- (4) The gradual equipment of these routes for day and night flying;
- (5) Free traffic on these routes.

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#### ANNEX 3.

#### PROPOSALS BY M. BOUCHÉ.

(Continued)

[C.C.T./A.C./10 a.]

(6) The free choice of aeronautical material for all undertakings responsible for an international air-service.

(7) Publication of a general directory of fast services, permitting of the preparation of the best time-tables.

(8) The establishment of a non-commercial centre of reliable information at least for Peninsular and Mediterranean Europe and for the European services along the main currents of world trade.

(9) The constitution of a common fund from the national annual subsidies, for the purpose of carrying out the above programme.

(10) The creation of a European banking institution to manage either the common aeronautical fund or any other more general fund aiming at the acceleration of transport.

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#### ANNEX 4.

#### AMENDMENT PROPOSED BY M. DE VEER TO PARAGRAPH 5 OF THE PROPOSALS BY M. BOUCHÉ.

[C.C.T./A.C./9.]

The Committee recommends that the competent bodies should study the question of the freedom of air lines with a view to finding a more liberal solution than that reached by the International Commission for Air Navigation at its extraordinary session of June 1929, this solution being liable to hamper seriously the development of civil aviation, and especially the operation of the main air lines.



ANNEX 5.

PROPOSAL BY M. FISCH.

[C.C.T./A.C./13.]

As the existing pool system of co-operation between international aviation undertakings has developed satisfactorily, and as, at this stage, it seems very difficult, on legal, political, financial and other grounds, to replace that system by a more perfected organisation, the Committee is of opinion that this co-operation between companies in a pool should be extended as widely as possible by lateral or multilateral agreements, with a view to obviating needless competition and placing the international air service on a sounder economic basis.

The question whether it seems possible, practical or desirable to simplify the working of the international air lines by forming a single international company or some similar organisation raises, among other problems, one which is primarily commercial. Consequently it will not be possible to go thoroughly into the matter until opinions have been obtained from the experts of the aviation companies, who have the widest practical and commercial experience of air traffic.

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ANNEX 6.

AMENDMENT PROPOSED BY COLONEL ISLER TO PARAGRAPH 5  
OF THE PROPOSALS BY M. BOUCHÉ.

[C.C.T./A.C./11.]

The Committee is requested to study how the following foundations for useful international co-operation could be provided :

- (1) Freedom of commercial transit subject to certain conditions of control ; avoidance of any monopoly with regard to the utilisation of the technical resources essential for transit ;
- (2) Preparation of an international plan for the infra-structure necessary for the operation of the main international system (day and night service all the year round).

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ANNEX 7.

PROPOSALS BY M. BOUCHE (Second Draft).

[C.C.T./A.C./10 (1).]

The Committee considers that, in order to take due account of the international character of air transport and of its still precarious position, a programme of co-operation should be drawn up, at any rate in the European area where agreement is more obviously necessary.

Preliminary investigations should be made more particularly into the following points :

- (1) The more extensive and systematic employment of "combined transport", inasmuch as air traffic is already co-operating with all forms of rapid transport ;
- (2) The simplification of tariffs, especially scales of postal surtax on express freight ;
- (3) The choice of permanent air routes to form the main system ;
- (4) The international programme for the equipment of those routes for eventual day and night flying ;
- (5) The possibility of a liberal régime for the admission of aircraft to those routes, and the details of its operation.

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ANNEX 8.

PROPOSALS BY DR. OPPIKOFER.

[C.C.T./A.C./8.]

(a) The Committee decides to study the conditions for the matriculation of aircraft and the measures of administrative control applicable thereto, with a view to ascertaining what changes in the present legislation would be likely to facilitate better international co-operation in the domain of air navigation.

(b) The Committee decides to study the regulation of the policing of air traffic at sea, of assistance in case of distress, and of the conditions under which aircraft performing purely maritime flights might be granted a regime of free navigation similar to that of sea-going vessels.



## ANNEX 9.

### PROPOSAL BY M. PITTARD.

[C.C.T./A.C./6.]

The Committee,

Considering that air insurance constitutes an important factor of financial stability and security ;

That air insurance is daily assuming a more and more compulsory character ;

That in the present state of national laws on insurance, unification in this respect can more easily be achieved in the economic sphere :

Approves the study of this question on the basis of an international mutual insurance company to which all the air undertakings would belong.

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## ANNEX 10.

### PROPOSALS BY M. DE VEER.

[C.C.T./A.C./12.]

Any commercial transport of passengers, goods or mail across the territory of each of the contracting States shall be subject to a special authorisation by the competent administration, and may be subject to special regulations.

This authorisation, which must be requested through the competent authorities of the State in which the air navigation undertaking has its headquarters, may only be refused in the following cases :

(a) In the case of commercial transport between two points within the territory of the State in question ;

(b) In the case of a regular commercial transport service, and if there are reasonable grounds for such refusal.

In the event of the refusal referred to in paragraph (b) above, the competent authorities shall make further endeavours to reach an agreement. In the absence of such agreement, the party whose application has been refused may submit the dispute to the decision of an arbitral tribunal. Unless the contracting parties agree to submit the dispute to a single arbitrator, the arbitral tribunal shall consist of three arbitrators ; each of the States shall appoint one arbitrator and these arbitrators shall jointly appoint an umpire. Failing the nomination of an arbitrator by one of the parties, the other party may request the President of the Permanent Court of International Justice to appoint this arbitrator. The award of the arbitral tribunal or of the arbitrator shall be final. In so far as the contracting parties have not agreed concerning the rules of procedure, the Hague Convention of 1907 concerning the pacific settlement of international disputes shall be applicable.

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## ANNEX 11.

### PROPOSALS BY M. ALLARD.

[C.C.T./A.C./14.]

The Committee considers that it is necessary to undertake immediately the study of the question of European postal air transport.

Without expressing an opinion on the question of the creation of a single operating company, or of co-operation between national companies, the Committee decides upon the appointment of a Sub-Committee which will be instructed :

(1) To prepare a map of the air lines to be established between the capitals of the European countries and the points of importance to postal traffic in these countries ; for this purpose, it will get into touch with the competent authorities in the different countries ;

(2) To study the question of the surtax ;

(3) To make all the necessary arrangements with the postal services concerned regarding, in particular, the handing over of mail to the aeroplane, the distribution of mail, etc. ;

(4) To indicate the technical conditions for the normal marking out of routes by night ;

(5) To propose suitable means for increasing the efficiency of aircraft responsible for ensuring the service in misty weather ;

(6) To draw up specifications of the performances and qualities required of one or more postal aeroplanes to be utilised on the lines under consideration, account being taken of the estimated freight and of local meteorological conditions ;

(7) To study the advantages and drawbacks of a single international company and of co-operation between companies.

In both cases, a complete study should be made of the system contemplated. If the Sub-Committee decides in favour of co-operation, it should fix, in agreement with the different countries concerned, the sectors to be operated by each of them.



## ANNEX 12.

### PROPOSAL BY COLONEL ISLER AND M. PITTARD.

[C.C.T./A.C./5.]

The Committee,

Considering that it is essential for economic organisation, operation and legislation to be kept in constant harmony with the progress of aeronautical technique ;

That, outside the sphere of activity assigned to the International Air Navigation Commission, problems will constantly arise, differing either in their special character or by reason of regional or local interests ;

That, to obtain this desired harmony, it is essential to work according to a single plan, a single method, and a uniform documentation, and with the speed demanded by the solution of continually recurring questions :

Votes the following resolution :

“The Committee is invited to study the advisability of setting up a permanent organ responsible for co-ordinating the work of the different investigating bodies already in existence, and for creating any new centres of study that may be necessary.”

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## ANNEX 13.

### DRAFT REPORT.

[C.C.T./A.C./15.]

The Air Transport Co-operation Committee met from July 8th to 12th, 1930, on the convocation of the Chairman of the Advisory and Technical Committee for Communications and Transit, in accordance with the following resolution of the latter Committee :

“The Committee considers it desirable to entrust to a special Committee of Enquiry the question of the action to be taken on the resolution of the last Assembly concerning economic co-operation between air-navigation undertakings, in conformity with the recommendation unanimously adopted by the Committee of Experts on Civil Aviation of the Preparatory Commission for the Disarmament Conference.

“The composition of this Committee will be fixed by the Chairman of the Advisory and Technical Committee, who is empowered to take all the necessary steps to promote co-operation between the Governments concerned.

“The Committee of Enquiry thus constituted will also have to study the questions of international organisation in air navigation raised at the Third General Conference on Communications and Transit and of making any suggestions to promote their settlement, if it considers it possible and desirable to do so.”

The composition of the Committee was as follows :

The Committee took cognisance of the enquiries into the economic, administrative and legal situation of international air navigation carried out at the request of the Chairman of the Advisory and Technical Committee for Communications and Transit (see document C. 339. M. 139.1930. VIII).

It proceeded to an exchange of views on the questions raised in these various enquiries. It considered that, owing to the complexity of the problems before it, its main task at this first session should be to draw up a definite programme of study, in order to be able to reach the greatest possible number of practical conclusions at a later session.

The Committee feels called upon, at the outset of the present report, to record its view that the present economic situation of civil aviation, despite the progress achieved, is not as satisfactory as the state of technical development should permit, and that it is only by means of increasingly close international co-operation that this situation can be improved.

#### I. RELATIONS BETWEEN CIVIL AND MILITARY AERONAUTICS.

The Committee did not feel called upon to discuss the relations between civil and military aeronautics, a question in the province of the Disarmament Commission and the Disarmament Conference. The Committee thought that its duty consisted only in investigating the measures to be taken and the progress to be anticipated from enhanced international co-operation with a view to enabling civil air transport to render the economic services to the community of which it is capable and hence freeing it as far as possible from all other preoccupations.

#### II. UNIFICATION OF PUBLIC INTERNATIONAL LAW ON AIR NAVIGATION.

The Committee regards as particularly desirable the application of common rules of public international law in regard to air navigation in every country, or at least in the greatest possible number of countries. It noted the negotiations in progress between the contracting parties to



the 1919 Convention and the States not parties to this Convention. It considers that, until it should be possible to judge of the results of these negotiations—which will probably not be known for another year—it would be preferable for it to refrain from taking any action in this connection.

### III. CO-ORDINATION BETWEEN ORGANISATIONS DEALING WITH AIR NAVIGATION.

After reviewing the organisations dealing with air navigation, the Committee considers that some means of ensuring better co-ordination between the work of these various organisations should be devised ; it requests its Secretariat to submit a report to it on this subject at its next session.

### IV. CONDITIONS OF ADMISSION OF FOREIGN UNDERTAKINGS EFFECTING REGULAR INTERNATIONAL TRANSPORT.

The Committee notes that, in the present state of public international law on air navigation, taking into account the most recent proposals for modifying existing conventions, the operation of regular lines is subject as a rule to the authorisation of the States whose territory is flown over, without any distinction being made in this connection between local traffic (*cabotage*), transport effected with the shipping or unshipping of passengers or freight in the territory in question, simple transit with landing for supplies, or even transit without stoppage. Nor is any distinction made between air transport involving flights over land territory and air transport only involving flights over the open sea and territorial waters and the utilisation of hydro-aerodromes.

The Committee accordingly adopts the following resolution :

“The Committee considers it desirable,

“(1) That the Governments should request the competent international organisations to find the means of affording greater freedom than at present to regular international transport by air.

“(2) That henceforth :

“(a) The Governments should examine, in the most liberal spirit, requests for authorisation to fly over their territories submitted to them for the purpose of regular transport by air ;

“(b) The Governments should endeavour to conclude among themselves agreements granting the most favourable treatment possible to regular international air transport.

“The Committee further considers it desirable that air navigation undertakings carrying on services in territories other than the national territory should maintain relations of cordial co-operation with the national air organisations of the countries flown over, with a view to ensuring the greatest possible efficiency of the international service.”

### V. PROGRESS OF INTERNATIONAL CO-OPERATION IN THE EXPLOITATION OF AIR-NAVIGATION LINES.

The Committee adopted the following resolution :

“Considering that the existing pool system of co-operation between international aviation undertakings has developed satisfactorily ;

“The Committee,

“(1) Considers that the present state of legislation and of the economic and political conditions in which civil aeronautics are developing makes it difficult to replace this system by a more perfected form of co-operation ;

“(2) Recommends the Governments and companies to extend and improve the present system by means of bilateral or multilateral agreements aimed at avoiding unnecessary competition, increasing the economic efficiency of the international air service and developing among the different undertakings a spirit of friendliness which will prepare the ground for closer co-operations.”

### VI. POSSIBILITY OF STUDYING A SPECIAL STATUTE APPLICABLE TO CERTAIN INTERNATIONAL AIR CONNECTIONS OF GENERAL INTEREST.

The Committee adopted the following resolution :

“Considering that, in the future, certain international air connections will be of general importance and that steps will have to be taken to ensure their existence and permanence, the Committee recommends that the League of Nations should draw the attention of Governments to the special importance which these connections will assume and which might justify the study of a special statute”.

### VII. STUDY OF CERTAIN JURIDICAL AND ADMINISTRATIVE QUESTIONS WHICH AFFECT THE DEVELOPMENT OF INTERNATIONAL CO-OPERATION IN AIR-TRANSPORT.

The Committee decided to select for examination, in the first place, out of the possible legal problems that may arise, those the solution of which might facilitate international co-operation



in air transport. Under existing laws for instance, it would be impossible in most cases for air companies to possess aircraft registered in different countries.

The Committee adopted the following resolution :

“The Committee requests the Secretariat to submit to it, at its next session, preliminary reports on the following subjects :

“(1) The regulations for the registration of aircraft, the administrative formalities to be complied with, and the conditions laid down regarding the nationality of aircraft crews, with a view to ascertaining what alterations in existing law would be likely to lead to better international co-operation in air transport ;

“(2) The social insurance of staff employed by air companies on their international lines ;

“(3) Air insurance : Could a better and simpler system be applied on an effective international basis ?

“(4) The simplification of Customs and statistical formalities in connection with air traffic, particularly as regards the documents and affidavits required by the various national authorities ;

“(5) Special police rules for super-maritime air traffic and assistance in case of distress.

“The reports on these questions should be prepared, if necessary, with the assistance of experts appointed by the Chairman of the Committee. As regards the report on the social insurance of staff, however, the International Labour Office shall be invited to collaborate or take such other steps as it may deem necessary”.

## VIII. PRACTICAL IMPROVEMENTS IN THE WORKING CONDITIONS OF AIR LINES.

### A. *Extensive and Systematic Employment of Combined Transport.*

The Committee requests the Advisory and Technical Committee for Communications and Transit to invite its Committee on Combined Transport to consider what improvements might be obtained by the more extensive and systematic employment of combined transports, air transport already co-operating with all methods of rapid transport.

The Secretariat of the Committee is requested, after making any necessary enquiry, to submit to the next session of the Committee a report on the possibility of publishing a general time-table of rapid transport (including every mode of transport) making it possible to deduce the times taken under the best possible conditions.

### B. *The Constitution and Operation of the Main Network of Permanent Air Routes.*

The Committee is of opinion that, in view of the international nature of air transport and of the precarious results hitherto obtained, a definite programme of co-operation should be prepared at any rate in the European area, until such time as technical conditions allow of its extension. It decides to study the following questions :

- (1) The choice of permanent air routes to form the main system ;
- (2) An international programme for the equipment of these routes so as to permit of uninterrupted day and night flying ;
- (3) The manner in which this system should be operated, namely :
  - (a) The selection by inter-governmental agreement of qualified enterprises and the specification of traffic conditions ;
  - (b) The granting to all undertakings engaged in the traffic over this system of the widest possible facilities for choosing their equipment, from the sole standpoint of efficiency, provided this equipment complies with the international requirements regarding navigability.

A special Sub-Committee, appointed by the Chairman of the Committee, to include, if necessary, persons who are not members of the Committee, was instructed to submit a report on this subject to the next meeting of the Committee, after consulting the competent authorities in the various countries concerned. This Sub-Committee will also consider such problems of international financing as the execution of the above programme may involve, including, if necessary, the constitution of a common fund and the management of this fund by an appropriate banking institution.

### C. *Postal Air Transport.*

The Committee is of opinion that the study of the question of European postal air transport should be undertaken immediately, to be extended to other regions when economic and technical conditions allow. The Sub-Committee mentioned in paragraph B is instructed :

- (1) To prepare a map of the air lines to be established between the capitals of the European countries and the points of importance to postal traffic in these countries. For this purpose it will get into touch with the competent authorities in the different countries ;
- (2) To study the question of the surtax ;
- (3) To discuss with the postal services concerned the best methods for handing over mail to aircraft, the distribution of mail, etc. ;



- (4) To indicate the necessary conditions for marking out air routes by night ;
- (5) To propose suitable means for hastening the acquisition of equipment required for operating traffic in foggy weather ;
- (6) To draw up specifications of the performances and qualities required of one or more types of aircraft to be utilised on these lines, taking into account the estimated freight and local topographical and meteorological conditions ;
- (7) To consider the form which international co-operation should take in the operation of this service ;
- (8) To study, in conjunction with the competent authorities of the different countries concerned, the sections which might be operated by each.

D. *Periodical Study of the Economic Development of Air Transport.*

The Committee thinks it would be useful from time to time to supply the authorities concerned in the various countries (and even the general public) with information which would be as accurate as possible and grouped systematically, regarding the economic development of air transport. The Secretariat of the Committee is invited to submit a report on this subject to the Committee at its next session.





