

Geneva, April 14th, 1932.

LEAGUE OF NATIONSConference for the Reduction and Limitation  
of ArmamentsMEMORANDUM RELATING TO THE FRENCH DELEGATION'S  
PROPOSALS ON THE INTERNATIONALISATION OF CIVIL  
AIR TRANSPORT

(Conf. D. 56, paragraph 1.)

## PREFACE

The Preparatory Commission for the Disarmament Conference, and more recently the Air Commission of that Conference, have agreed that the limitation, the reduction, and *a fortiori* the abolition of air armaments are conditional on the measures which may be taken to prevent countries from utilising civil aviation for military purposes.

Nevertheless, while, at a time when the placing of weapons on a civil flying machine is sufficient to convert it into a military machine, it is necessary to rid nations of the fear that limitation will render their air armaments inadequate or ineffective in the event of the rapid development of civil aviation, it is also essential that no obstacle should be placed in the way of the development of a peaceful means of transport the progress of which may be of great service to the cause of civilisation.

Bearing this idea in mind and being anxious to develop as far as possible the general conditions of international security in order to achieve a genuine limitation of armaments and to pave the way for effective reductions, a number of countries, and in particular France, have proposed the internationalisation of civil air transport.

Of all the measures which have hitherto been considered, the internationalisation of air transport alone seems likely to constitute a real obstacle to the utilisation of such aircraft for military purposes without stopping development or technical progress.

This method alone can put an end—without any limitation of transport aircraft—to the race for the greatest numbers and the greatest power in which military aviation is at present obliged to engage so as not to be left behind by the development and progress of civil aviation. It therefore permits of an immediate and real limitation of air armaments, and, taken in conjunction with the granting to the League of Nations of a right to requisition international air transport in the case of the application of Article 16 of the Covenant, it opens up the way for effective reduction of these armaments.

Moreover, in the economic sphere, this measure would make it possible to co-ordinate the efforts of the different nations, to put an end to unnecessary competition and duplication, to reduce Government subsidies, and to improve traffic by means of a general unification.

This necessity for international co-operation has been clearly brought out by the work done in the last twelve years in the sphere of public and private law and by the experience of the various competent international bodies, such as the C.I.N.A.,<sup>1</sup> the C.I.T.E.J.A.<sup>2</sup> or associations of big European air companies like the I.A.T.A.<sup>3</sup>

The same necessity was also brought out by the conferences held in 1931 at Prague by various European postal administrations, and at Geneva by the Air Transport Co-operation Committee for the study of a rational European system.

<sup>1</sup> C.I.N.A. — Commission Internationale de Navigation Aérienne (International Commission for Air Navigation).

<sup>2</sup> C.I.T.E.J.A. — Comité International Technique d'Experts Juridiques Aériens.

<sup>3</sup> I.A.T.A. — International Air Traffic Association.

Hence the internationalisation of civil aviation answers both to the necessities of world security and to indubitable economic interests, and it was this which led the General Commission to ask the Air Commission of the Conference to study the possibilities, methods and consequences of putting this measure into force.

The following study is intended to bring out the essential principles on which this internationalisation should be based.

It does not constitute a complete and final scheme, but only a basis of discussion which the French delegation submits to the Air Commission in response to the latter's request.

From this preliminary study, it is clear that the internationalisation of civil aviation does not affect the essential sovereign rights of States, and that all the difficulties presented by its realisation can easily be surmounted.

It simply requires the generalisation—in a wider and, if possible, a universal field—of the principles which have been accepted and are daily applied by the numerous countries already signatories of the different international air conventions, principles which are found in identical form in the C.I.N.A.<sup>1</sup> and in the Pan-American or Ibero-American Conventions.

## I. GENERAL.

The general aim in view is to prevent countries from utilising for military purposes civil aircraft which their characteristics render suitable for warlike use.

A. The present study only deals with measures concerning transport aviation ; but, clearly, these would not achieve their purpose if the free or unofficially encouraged development of non-internationalised civil aviation allowed countries to constitute an auxiliary air fleet.

It is therefore necessary to supplement the internationalisation of transport aviation by rules designed to prevent the conversion of national civil aircraft into machines capable of warlike uses.

To this end the limitation of the tonnage per unit of national civil aeroplanes and of the volume per unit of national civil dirigibles might serve as a basis for the rules to be adopted.<sup>2</sup> Countries would forbid the construction, possession or use of aircraft in excess of the specifications fixed.

B. As to commercial air fleets, the aim in view, together with increased efficiency as regards traffic, leads to the internationalisation of transport aviation. From the general point of view, this measure requires that international bodies should alone be authorised to foster and develop this aviation.

As these bodies will normally have to take decisions affecting all countries, particularly on questions such as the creation, modification, control and administration of air lines, all countries will have to be represented thereon.

From the strictly economic point of view, the new organisation will have to entrust the operation of air lines to suitable staff placed under the direction of the most competent technical authorities.

Hence, it is already clear that it will be necessary to entrust :

General questions to one or more international bodies ;

The operation of the lines to one or more companies placed under the control of these bodies.

## II. INTERNATIONAL BODIES.

### *Functions.*

International bodies to be set up under a name such as " International Air Transport Unions " will alone be allowed to own transport aircraft with specifications<sup>3</sup> in excess of those defined in the future Convention.

These bodies will have a legal status recognised by the contracting countries enabling them to register the aircraft to be internationalised and either to retain ownership thereof or to convey it to the international operating companies.

Their functions will be of two kinds—*i.e.*, strictly administrative and economic :

*Administrative Functions.* — Definition of rules for the preparation of certificates of airworthiness for international and national civil aircraft ; issue of certificates of airworthiness and papers for international aircraft ; issue of certificates and licences for the navigating personnel of international aviation.<sup>4</sup>

<sup>1</sup> Convention Internationale de Navigation Aérienne.

<sup>2</sup> These criteria have been proposed by the French delegation, but the latter is quite open to argument on this point. It is possible, indeed, that limitations in tonnage when empty and in total volume would be insufficient in themselves to prevent the military utilisation of civil aircraft, and that another limitation would have to be added—such as that of the engine power per unit, for example.

<sup>3</sup> Civil aeroplanes of a tonnage in excess of  $x$  tons when empty ;  
Civil seaplanes of a tonnage in excess of  $x'$  tons when empty ;  
Civil dirigibles of a volume in excess of  $x''$  cubic metres.

<sup>4</sup> The supervision of tests for personnel and material may be entrusted to official or private national offices duly authorised for the purpose.

*Economic Functions.* — Study, creation, modification and discontinuance of air lines ; concessions for the operation of lines to international companies and supervision of such operation ; programme of models, allocation of orders.

It would naturally be desirable for the internationalisation of civil aviation to be carried out under the auspices of a single organisation, but it might be found advisable to create several so as to place only countries having common interests in the same group. In order to give these organisations the necessary impartiality and independence, however, it is essential that each of them should comprise, at any rate, all the countries of a large portion of the globe.

For example, it is evident that all the countries of Europe must belong to the same international group, which might be extended, after hearing the opinion of those concerned, to the countries of Africa and Asia, if not to North and South America and Australia.

In any case, these groups, although independent of each other, will endeavour to adopt common rules for the issue of certificates of airworthiness for all civil aircraft, for the registration of international civil aircraft and for the issue of certificates to the pilots of international aviation.<sup>1</sup>

#### *Internal Organisation.*

The administration of the International Air Transport Unions would be in the hands of an Assembly, a Council and a Managing Committee.

The Assembly would consist of representatives of all the States members of the Union. It would decide finally on the questions submitted to it by the Council, and particularly on the creation, modification or discontinuance of air lines.

The Council's chief duties would be to study questions relating to air lines, to grant concessions for these lines to international operating companies, and to prepare all decisions to be submitted to the Assembly.

The decisions of the Assembly and of the Council would be taken by votes adopted under conditions to be determined.

The Managing Committee would be responsible for ensuring and observing the execution of the decisions taken and for the supervision of the operating companies.

#### *Procedure.*

(a) *Establishment of International Lines.* — The decisions concerning international lines will be taken by the Unions, having regard to the economic importance of these lines.

Proposals will be drawn up by the Council, to which will be attached representatives of all the countries crossed by the lines under consideration.

Routes, time-tables and, in general, all questions connected with international aviation will be discussed by the Council direct with the States concerned. The member States will have to give every possible facility for flying over their territory and for the determination of routes, and, in particular, must endeavour, if a prohibited area is on the normal route of an international line, to fix a passage in the neighbourhood of the normal route.

(b) *Establishment of Lines of Special Importance.* — Apart from the international lines, lines between metropolitan and colonial territories of special importance to one or more contracting parties may be established by the Union at the request of the member States. The Council will consider whether the commercial output of these lines would authorise the Union to assume their cost of establishment and maintenance and, if not, the operating deficit will be covered by the country making the application. Concessions for these lines will be granted to the international operating companies according to the normal procedure.

In no case, however, will the establishment and development of such lines authorise countries to reconstitute for their benefit an air fleet utilisable for warlike purposes.

#### FINANCIAL RESOURCES.

##### (a) *Initial Resources.*

The initial resources will be constituted by entrance subscriptions paid by the different countries in a proportion to be determined.

The contributions of material made to the Unions by the member States<sup>2</sup> will be taken into account in calculating these subscriptions ; if necessary, they may entitle a State to a refund.

##### (b) *Normal Resources.*

The normal resources permitting the administrative and technical operation of the Union, the maintenance, establishment and installation of the lines, the placing of orders for material and for ground organisation, etc., will be constituted by annual subsidies from the different countries, calculated on a basis to be determined.

<sup>1</sup> As several Powers, and, in particular, Italy, have already proposed, a single international bureau might be created for the purpose of unifying present air regulations.

<sup>2</sup> The purchase of this material from the present owners will be effected by each State according to the procedure it may think advisable.



#### MATERIAL.

The Unions will employ the material best suited in amount and quality to the needs of the service. They will undertake studies of models and will acquire licences for such models.

Orders for new material selected by the operating companies, and heavy repairs, will be divided equitably among the member States, taking due account of the special resources and industrial capacity of each. The normal contributions to the Union agreed to by the States may serve as a basis for this allocation.

In any case, these orders shall be distributed in a sufficiently elastic manner to permit, if necessary, of exchanges between one country and another, according to the possibilities of the moment and by agreement between the parties concerned.

Orders not accepted by one country will be distributed among all the other countries in the usual proportions.

#### GROUND ORGANISATION.

The member States will allow the Unions to utilise the present ground organisations of civil aviation, with their safety appliances (beacons, signals, meteorology, wireless, direction-finding apparatus).

The flying-grounds will remain the property of the States and will be open to international traffic according to direct agreements to be concluded, particularly as regards the calculation of charges for use.

Should the existing installations be insufficient, the member States will complete them, or will authorise the Union concerned to undertake the necessary work and to receive the profit accruing. Direct agreements will settle this question in each particular case.

#### SUPERVISION—REQUISITION.

The International Air Transport Unions will be under the supervision of the League of Nations, subject to conditions to be determined.

The League of Nations will have a permanent right of requisition over all the aircraft of the Unions.

The States members of the Unions shall undertake not to requisition international aircraft, not to capture them, and to facilitate by every means in their power any exercise the League may wish to make of its right of requisition.

### III. OPERATING COMPANIES.

The operation of the air lines will be entrusted to international companies, with a status to be determined, which will work under the supervision of the international Union concerned, subject to the commercial conditions laid down by the latter.

Special regulations will determine the organisation and duties of these companies.

The directing staff and pilots of the companies will be chosen from among the nationals of the member States, in an equitable proportion to be determined.

The non-flying subordinate staff may be of the nationality of the country in which it resides.

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