

1946  
NEW ZEALAND

**INTERIM ASSEMBLY  
PROVISIONAL INTERNATIONAL CIVIL AVIATION  
ORGANIZATION**

FIRST SESSION, MONTREAL, CANADA, 21ST MAY TO 8TH JUNE, 1946

*Presented to both Houses of the General Assembly by Leave*

**CONTENTS**

REPORT BY THE NEW ZEALAND DELEGATION—	PAGE
Introduction .. .. .	1
First Interim Assembly .. .. .	2
Agenda .. .. .	2
General Policy .. .. .	4
Air Navigation .. .. .	5
Air Transport .. .. .	6
Administration and Finance .. .. .	8
Summary .. .. .	8
ANNEX TO THE REPORT BY THE NEW ZEALAND DELEGATION---	
Appendix A : Consolidated List of Resolutions .. .. .	9

**REPORT BY THE NEW ZEALAND DELEGATION**

INTRODUCTION

1. As a result of deliberations of representatives of fifty-two nations attending the International Civil Aviation Conference at Chicago in December, 1944, there was formulated, in addition to the Convention on International Civil Aviation, an Interim Organization on Civil Aviation which provided for the establishment of a Provisional International Organization of a technical and advisory nature for the purpose of collaborating in matters pertaining to and concerning international civil aviation. This Organization designated as the "Provisional International Civil Aviation Organization" (PICAO), consists of an Interim Assembly and an Interim Council and is located at Montreal, Canada. It will remain in operation until the Convention on International Civil Aviation has been ratified by twenty-six States, when the Organization will become permanent, or other arrangements for taking over its functions have been agreed upon amongst the nations. The Interim Assembly, which is convened by the Interim Council, is composed of delegates of member States, and one of its duties is the election of not more than twenty-one member States to be represented on the Council. The first Council appointed is composed of representatives of the following twenty countries: Australia, Belgium, Brazil, Canada, Chile, China, Colombia, Czechoslovakia, Egypt, El Salvador, France, India, Iraq, Mexico, Netherlands, Norway, Peru, Turkey, United Kingdom, and United States. The twenty-first seat on the Council was left unfilled in the hope that the U.S.S.R. would acknowledge the Convention. The Interim Council is the executive instrument of the Assembly and derives its powers and authority from the Interim Assembly.

2. The Canadian Government set up a Preparatory Committee to make all arrangements for the first session of the Interim Council, which convened in August, 1945. The Interim Council was charged with supervising and co-ordinating the work of three technical Committees—Air Transport (Economic), Air Navigation (Technical), and International Convention on Civil Aviation—to consider their reports, and make appropriate recommendations therefrom to member States. During the past nine months the major work of the first sessions of the Divisions and Sub-committees of the technical Committees has been the drafting of “Standards, Practices, and Procedures” for international civil aviation, the development of plans for radio aids and meteorological and search rescue services in regional areas along the world’s international air routes, and the study of a draft Multilateral Agreement on Commercial Rights in International Civil Air Transport. After reviewing and adopting final reports of the respective Committees and forwarding them to member States, the Interim Council called for the first session of the Interim Assembly.

### FIRST INTERIM ASSEMBLY

3. The First Interim Assembly convened at 3.00 p.m. on the 21st day of May, 1946, and was attended by delegates from 44 member States, 10 non-member States, and 8 international organizations, as follows, the numerical strength of delegations being shown in parentheses :—

*Member States.*—Afghanistan (5), Argentina (2), Australia (19), Belgium (7), Bolivia (2), Brazil (4), Canada (13), Chile (3), China (13), Colombia (2), Czechoslovakia (3), Denmark (3), Dominican Republic (1), Egypt (2), Ethiopia (1), France (13), Haiti (2), Honduras (1), Iceland (3), India (4), Iraq (2), Ireland (8), Lebanon (1), Liberia (1), Luxembourg (1), Mexico (5), Netherlands (9), New Zealand (4), Nicaragua (1), Norway (4), Paraguay (1), Peru (4), Philippines-Commonwealth (6), Poland (1), Portugal (5), Spain (3), Sweden (3), Switzerland (2), Syria (1), Turkey (2), Union of South Africa (1), United Kingdom (17), United States (64), Venezuela (4); total, 44 (252).

*Non-member States.*—Costa Rica (1), Cuba (8), Ecuador (1), Guatemala (1), Iran (1), Italy (1), Panama (1), Siam (1), Uruguay (1), Yugoslavia (1); total, 10 (17).

*International Organizations.*—Comite International Technique d’Experts Juridiques Aeriens (CITEJA) (2), International Air Transport Association (IATA) (13), International Commission for Air Navigation (ICAN) (1), International Chamber of Commerce (ICC) (1), International Labour Organization (ILO) (4), International Tele-communications Union (ITU) (1), United Nations Organization (UNO) (1), International Bureau—Universal Postal Union (I.B.—U.P.U.) (1); total, 8 (24).

The New Zealand delegation comprised—

Chairman : Hon. David Wilson, New Zealand High Commissioner in Canada.  
 Delegate : Group Captain T. W. White, Air Attache; New Zealand representative to PICAO.

Alternate : Mr. W. L. Middlemass, Assistant Secretary, Office of the High Commissioner in Canada.

Secretary : Miss Lillian Tucker, Office of the High Commissioner, Ottawa.

### AGENDA

4. The agenda for the First Assembly included—

- (1) Opening of the Session by the President of the Interim Council :
- (2) Addresses of welcome by Canadian authorities and acknowledgment by President of the Council :
- (3) Addresses by Chairmen of national delegations :
- (4) Adoption of the Provisional Rules of Procedure :

- (5) Establishment of Committee on Rules of Procedure and of the Executive Committee :
- (6) Establishment of Credentials Committee :
- (7) Election of President and Vice-Presidents of the Interim Assembly :
- (8) Adoption of the agenda :
- (9) Establishment of Commissions and Committees and selection of Chairmen :
- (10) Invitations to non-member States and international organizations to participate in the Assembly :
- (11) Receipt and consideration of reports to Interim Assembly :
- (12) Consideration of reports by Commissions and Committees of the Interim Assembly :
- (13) Election to any vacancies on the Interim Council.

The detailed work of the Assembly was allotted to five Commissions, as follows :—

#### COMMISSION NO. 1.—GENERAL POLICY OF PROVISIONAL INTERNATIONAL CIVIL AVIATION ORGANIZATION

- (1) Consideration of the general policies of the Interim Council.
- (2) Consideration of the participation of non-member States in PICAQ activities.
- (3) Consideration of the filling of the existing vacancy on the Council.
- (4) Preparation of the International Civil Aviation Organization, including plans for the coming into force of the Convention : maintenance of continuity of the Organization : the action to be taken by the Council : permanent seat and the accounts of the last fiscal year of the Provisional Organization.
- (5) Consideration of procedures for the establishment of more effective means of communication between PICAQ and member States.
- (6) Consideration of general policy with respect to aid and financial assistance to member States through PICAQ in the establishment, improvement, and operation of air navigation facilities.

#### COMMISSION NO. 2.—AIR NAVIGATION (TECHNICAL)

- (1) To take note of PICAQ recommendations for Standards, Practices, and Procedures and to discuss the desirability of drafting special agreements for the purpose of making certain portions of these recommendations legally binding on member States.
- (2) To take note of PICAQ regional meetings in respect to the Dublin and Paris meetings and the plans for future meetings.
- (3) Consideration of action being taken in furthering international collaboration on research and development work on technical subjects.
- (4) Consideration of the unification of numbering and systems of dimensioning.

#### COMMISSION NO. 3.—AIR TRANSPORT (ECONOMIC)

- (1) Consideration of a "multilateral agreement on commercial rights in international civil air transport," including recommendations of the Air Transport Committee with respect to this multilateral agreement and of the provisions of a draft agreement prepared by the Committee.
- (2) To take note of the recommendations of the Division on Facilitation of International Air Transport for Standards, Practices, and Procedures, and to discuss the desirability of drafting special agreements for the purpose of making certain portions of these recommendations legally binding on member States.
- (3) Desirability of holding an international conference on problems relating to international air mail.
- (4) Collection from member States of the documentation necessary to the work of PICAQ.
- (5) Consideration of the filing of contracts and agreements on international civil aviation.

## COMMISSION NO. 4.—LEGAL QUESTIONS

(1) Discussion of the rules adopted by the Interim Council for the settlement of differences arising among member States relating to international civil aviation matters.

(2) Consideration of texts prepared by Comité International Technique d'Experts Juridiques Aériens (CITEJA) and submitted at its request by the Council to the Assembly for discussion, final drafting, and signature.

## COMMISSION NO. 5.—ADMINISTRATION AND FINANCE

(1) Approval of budgets and accounts.

(2) Decision as to the proportions of the expenses of the Organization to be borne by member States.

(3) Determination of the financial arrangements of the Organization.

(4) Appointment of auditors.

(5) Contributions of member States to the expenses of the Organization.

(6) Consideration of policy relating to the disposition of funds withheld under the PICAQ system of contributions.

(7) Consideration of the personnel policies adopted by the Interim Council in respect of the staffing of PICAQ.

(8) Distribution to member States of documentation relating to the work in preparation and in progress and the work achieved.

(9) Consideration of the needs of member States as regards PICAQ publications.

The limited size of the New Zealand delegation did not permit full attention to the detailed work of the five Commissions. However, the fullest possible coverage, as considered appropriate, was given, as follows:—

Commission 1: Mr. W. L. Middlemass. Elected Vice-Chairman of Sub-commission No. 3 of Commission 1.

Commission 2 and Commission 3: Group Captain T. W. White. Declined Vice-Chairmanship of Commission 2 due to pressure of work in attending both of these Commissions.

Commission 4: Unable to be represented.

Commission 5: Hon. David Wilson. Chairman of Sub-commission 1 of Commission 5, in addition to attending all meetings of the Executive Committee.

## GENERAL POLICY

5. Discussion on general policy centred mainly around the procedure to be followed in making the change from the Provisional Organization to the Permanent Organization, including plans for the coming into force of the Convention. According to the arrangements concluded in Chicago, the Convention would come into force immediately after ratification by twenty-six member nations. In view of the fact that the United Kingdom and several other European countries, as well as New Zealand, were bound by the Paris Convention, there was considerable discussion as to the desirability of setting a date in 1947 on which ratifications should be deposited simultaneously. This would, in effect, more or less ensure that the United Kingdom and other countries similarly affected would be still able to take part in the permanent Organization and also be in a position to accept membership of the Council of the Permanent Organization. The United States was strongly against this procedure, and held the view that member States should ratify the Chicago Convention just as soon as they were able to do so, in order that the Organization could become permanent at the earliest possible moment, regardless of the effect such procedure would have on those States still bound by the Paris Convention. After considerable discussion in Sub-commission and Commission it was finally resolved that member States be urged to ratify the Convention as soon as possible and that they be requested to deposit such ratification simultaneously on the 1st March, 1947.

6. The matter of filling the twenty-first seat on the Council caused considerable controversy. There was a division of views. The United States, Canada, and the South American republics pressed for the seat to be filled, while the United Kingdom, Australia, New Zealand, and European countries were mainly desirous of leaving the way open for the U.S.S.R. to take the twenty-first seat if that country should decide to become a member State. After an extremely close vote in Sub-commission, a recommendation was presented to Commission I that the vacant seat be left open. Again, in full Commission, the division was clearly defined, and discussion continued along similar lines to that in the Sub-commission. The Provisional Organization or the Council, however, had not made a direct specific approach to the U.S.S.R., since it had been felt that there had been ample time and opportunity for the Soviet Union to signify their intention to participate if they had so desired. By a vote of 15 to 14 the recommendation of the Sub-commission was rejected, and Commission I presented to the Assembly a resolution that the vacant seat should be filled forthwith. At the Plenary Meeting of the Assembly the same arguments were again advanced both for and against the resolution, and by a vote of 20 to 18 the recommendation that the twenty-first seat on the Council be filled was adopted. In a later secret ballot by the Assembly, Ireland was elected to fill the vacancy with very little opposition.

7. The other item on which New Zealand expressed special views was in connection with the selection of the permanent seat. Early discussions in Sub-commission were as to the legality and competency of this Conference to make such a decision. It was held by some member States that it was not necessarily the final Assembly of the Provisional Organization and, therefore, it was not proper for this Assembly to make such a decision. The Sub-commission, however, did finally resolve that the permanent seat should be selected, and Commission accordingly presented a resolution to that effect to the Assembly. The Assembly adopted the resolution and referred the matter back to Commission for recommendation as to procedure to be followed in selecting the permanent seat. At the final meeting of the Assembly the matter was decided by secret ballot, and by overwhelming majority Montreal, Canada, was selected as the site of the Permanent Organization.

8. Other items relating to participation of non-member States in PICAQ activities, the maintenance of continuity of the Organization, and policy with respect to aid and financial assistance to member States were also discussed at length, and all resolutions of Commission I in regard to these matters were adopted by the Assembly without comment.

## AIR NAVIGATION

9. Satisfaction was expressed with the work of technical Divisions in the development of recommendations for International Standards, Practices, and Procedures, concerning which it was not considered necessary at this time to take special steps to make them legally binding, as States were obliged under Article XIII of the Interim Agreement to apply them as rapidly as possible in their aviation activities. These recommended Standards, Practices, and Procedures, which were developed mainly from the Chicago technical Annexes, and cover such facilities as airworthiness, communications and radio aids, meteorology, aerodrome routes and ground aids, rules of the air and traffic control, aeronautical maps and charts, search and rescue, accident investigation, personnel licensing, and airline operating practices, were distributed to member States as soon as the final reports of the technical Divisions were approved by the Council. Already there has been widespread evidence to show that member States, including New Zealand, are giving effect to their application as far as is presently practicable.

10. Some of the problems of international air transport, being regional in character, could best be solved by regional air navigation meetings, and this applies particularly to facilitating the widespread acceptance of Standards, Practices and Procedures, and to the co-ordination of all auxiliary services within the regional areas. Two such regional meetings have already been held, and others are scheduled. New Zealand

is directly interested in the South Pacific Regional Area, and is concerned, to a lesser degree, with adjacent areas. The South Pacific Regional Meeting is to be held in Australia in the first quarter of 1947. Permanent regional offices are to be established by PICA() in all regional areas.

11. With regard to international collaboration in research and development work in technical subjects, the Assembly approved the action of the Council in creating a Special Radio Technical Division to conduct research and development that may lead to improvements and future standardization in air navigation radio facilities along all international air routes. Representatives of New Zealand have, in the past, attended meetings of various similar National Research Committees and have witnessed appropriate demonstrations. This Division will facilitate wider collaboration in the same respect from an international point of view.

12. With respect to the unification of numbering and systems of dimensional practices, there is a general desire, in the interests of the safety of air navigation, to adopt a uniform practice in units of measurement. Metric and non-metric systems are employed, the latter being used by the majority of States in the field of aviation, but States using the former have continually pressed for universal adoption of that system. In an endeavour to solve the problem a special Committee has been authorized to determine the handicaps imposed by lack of unification, how agreement can be reached respecting unification of units of measurement, and to report upon steps to be taken to secure application.

#### AIR TRANSPORT

13. Of particular interest to New Zealand are matters upon which it was not possible to reach agreement at the Chicago Conference in connection with the operation of international air transport services. After nine months of exhaustive study, during which time the New Zealand viewpoint was put forward by the Dominion's representative, the Air Transport Committee presented to the Interim Council a draft as a basis for a "multilateral agreement on commercial rights in international civil air transport" to be forwarded to member States for comment. The study of this draft had reached a stage where it did not fall far short of what it was considered New Zealand might be prepared to accept when the details of the United Kingdom-United States Bermuda Agreement were announced. This announcement somewhat upset the measure of unanimity that appeared up to that time to have been reached. The United States' attitude was that it was not prepared to accept any multilateral agreement that did not grant a large measure of fifth freedom, nor did it agree to any international body having mandatory powers, but it would support such a body with advisory powers. The result was that agreement upon the draft being transmitted to States for comment could only be reached by it being submitted, not as *the* basis, but as *a* basis for an international agreement. From the New Zealand point of view the draft, in its final form, did not provide sufficient safeguards to national airlines commensurate with the privileges granted to international airlines, and this was also the general feeling among the majority of the nations.

14. In Commission and Assembly, however, it was unanimously affirmed that a multilateral agreement on commercial rights in international civil air transport constituted the only solution compatible with the character of the International Civil Aviation Organization created at Chicago.

15. The United States delegation submitted a proposal which, after considerable discussion, was modified and forwarded to the Assembly. This recommended that the appropriate Commission proceed immediately with a frank and open discussion of all the problems involved in developing a multilateral agreement, so that the national points of view of member States may be made known with respect to all matters which may be the subject of such an agreement; that in such discussion the Commission take into account the documentation then or thereafter before it; that discussions resulting therefrom be incorporated into a document which would serve as a basis for further

study by the Air Transport Committee of the Council, and, in addition, any views that might be submitted during the coming year be taken into consideration for the purpose of developing a multilateral agreement which would take into account such national points of view, for submission to the next annual Assembly. Representatives of several States spoke to this motion, including the Hon. David Wilson, who recalled that New Zealand had moved at Chicago the motion in favour of an international air service owned, controlled, and operated by an International Air Authority on behalf of all nations of the world. While New Zealand still adhered to this view, her delegation had not come to Montreal expecting to make progress along these lines, though it had been hoped that a multilateral agreement on commercial rights in civil air transport might be reached. Since this was apparently impossible, New Zealand would support the resolution now before the Assembly. In view of the magnitude of the problems involved, he felt that the Organization should "make haste slowly" so that, when the agreement finally came before the Assembly, it would be one which would be acceptable to all States and in the best interests of international civil aviation. The resolution of the United States was adopted.

16. A revival of interest was displayed in the case for international ownership and operation as put forward by the Hon. D. Sullivan on behalf of New Zealand and Australia and supported by France and Afghanistan at Chicago, in that when the views and comments of States were being submitted in Commission, Sir Donald Banks, Chairman of the United Kingdom delegation, stated that it was incumbent on him to record that His Majesty's Government in the United Kingdom, in pursuing such orderly development on international air routes, regarded the establishment of an international organization to own and operate trunk services as the most effective means of attaining this objective. Nevertheless, until the necessary degree of international support for such an organization was forthcoming, they favoured a multilateral agreement which provided, for all contracting parties, a code of rules, the highest degree of freedom for commercial purposes, and safeguarded all States mutually against undue infringement of their rights. This was the first major State officially to support international ownership and operation. The Chairman of the Belgian delegation made a statement along similar lines. The subject of joint ownership of international air lines is to be studied with particular reference to the expressed desires of Australia, New Zealand, and the United Kingdom.

17. The report of the Division on Facilitation of Air Transport, including Recommended Standards and Practices, designed to unify and simplify existing customs, immigration, and public health procedures in international civil air transport, was transmitted to member States on 2nd March, 1946, for review. The Assembly, endorsing the objectives, called upon member States to submit their replies by 15th June, 1946, so that comments and suggestions could be embodied, as far as possible, in a final document which might be made the subject of a multilateral agreement for submission to the next Assembly and eventually incorporated in the Convention. With the exception of a few modifications, the recommendations generally met with official approval from New Zealand. There was no special comment from New Zealand upon problems of international air mail, concerning which the Assembly decided it was too early to consider the calling of an international conference on the subject.

18. Response in compliance with provisions of the Interim Agreement in transmitting statistical data as requested to the Secretariat has been almost negligible, and in this connection the Assembly resolved that member States undertake appropriate steps in forwarding this information, together with their comments, before the 1st August, 1946. The apparent lack of compliance has been due to the disruption of services during the war years, and to the fact that operations in many States have not been reinstated long enough to permit sufficient and reliable data to be assembled.

19. Including New Zealand, member States have played their full part in forwarding copies of contracts and agreements to the Secretariat. Progress made by the Council in the filing of contracts and agreements was the subject of appreciative comment from the Assembly.

20. In connection with Rules for Settling of Differences between States relating to international civil aviation matters, the Assembly recommended to the Interim Council the adoption of certain modifications which were considered to be an improvement. Action on the several CITEJA Conventions on Private Air Law was deferred, the Assembly having recommended to the Council the establishment of a Permanent Committee on International Air Law, to which member States may appoint one or more representatives and which it is intended will eventually assume the functions of CITEJA.

#### ADMINISTRATION AND FINANCE

21. As Chairman of the Finance Sub-commission, the Hon. David Wilson was very continuously engaged throughout the Conference in giving very detailed attention to the proposed budgets for 1945-46 and 1946-47. The expenditures for 1945-46 were carefully checked with the assistance of the Organization's auditors and the opinion was generally expressed that the Organization had been efficiently conducted and that no exception could be taken to the manner in which the money was spent. The proposed budget for 1946-47 was also very carefully examined item by item, and some alterations of a minor character were made, but it was recognized that these were estimates only and that under prevailing circumstances it was impossible to do more than guess at the likely expenditure. For that reason, the reserve for contingencies is large so as not to unduly handicap the Organization in its first year's work. In accordance with the instructions received, Mr. Wilson took exception to the contribution towards the expenses paid by New Zealand for 1945-46 as being out of line with the amounts charged to certain other countries and also objected to the proposal that New Zealand should continue to pay five (5) units for the year 1946-47. Certain other countries also objected that they were being overcharged, and after much discussion and private interviews with delegates it was eventually decided not to alter the 1945-46 contributions and to recommend to dissatisfied nations that the contributions for that year be accepted, but it was agreed that if any nation persisted in asking for a refund the Council should be authorized to accede to the extent that surplus funds were available from 1945-46. Mr. Wilson was successful in obtaining a reduction in the number of units that New Zealand was to pay from five units to three units, but because of the large increase in estimated expenditure for 1946-47 the amount to be paid will be not a great deal less than was paid last year. The result is considered to be satisfactory, and it is recommended that no application be made for a refund of 1945-46 contribution towards expenses. The overall number of units was increased because of more States having accepted the Convention. Increases and decreases were made in the reallocation of units, and the most notable was the raising of that of the United States to 50 per cent over the previous year. Some countries, on the point of prestige, considered that their contributions were too low and asked for an increase.

#### SUMMARY

22. Much good was achieved at the First Assembly, progress being made with nearly all policy, technical, and administrative matters discussed. A spirit of friendship and co-operation was evident and there appeared a marked desire on the part of the delegations to give consideration to other points of view. The large representation of important international organizations displayed a readiness for co-operation between international institutions.

Although the draft multilateral agreement was not acceptable in its present form, the differences in points of view were not so far apart as to be beyond reconciliation in future study. The general feeling was that the desire to achieve early acceptance of multilateral agreement had overridden the advantages that might have been gained by waiting for an expression of views in the light of experience. It is confidently expected, however, that the further study to be undertaken, taking into consideration the comments



of member States, would achieve satisfactory results by the next Assembly. The further recognition of, and the future study to be given to, New Zealand's proposals for international ownership is a marked progress in our endeavour in striving for the well-being of all peoples and for the avoidance of friction between the nations of the world.

DAVID WILSON, Chairman of the Delegation.

## ANNEX TO THE REPORT OF THE NEW ZEALAND DELEGATION

### PROVISIONAL INTERNATIONAL CIVIL AVIATION ORGANIZATION

FIRST INTERIM ASSEMBLY, MONTREAL, MAY 21ST, 1946

The Interim Council advised member States of the date of convening of the First Interim Assembly and also issued invitations to non-member States of the United Nations and appropriate international organizations to send representatives as observers.

The First Plenary Meeting of the Interim Assembly was declared in session by Dr. Edward Warner, President of the Interim Council, as Temporary Chairman at 3 p.m. on May 21st, 1946. The Assembly heard addresses of welcome by Hon. C. D. Howe, Minister of Reconstruction and Supply, on behalf of the Canadian Government; by Hon. Paul Beaulieu, Minister of Trade and Commerce, on behalf of the Province of Quebec; and by His Worship the Mayor, Mr. Camillien Houde, on behalf of the City of Montreal. Dr. Warner acknowledged these addresses on behalf of the delegates assembled.

The Assembly early appointed a President, Dr. Luois de Brouckere, head of the Belgian delegation, and the following five Vice-presidents: Mr. R. A. C. Henry (Canada); Hon. A. S. Drakeford (Australia); H. E. Dr. Liu Shih Shun (China); Dr. Luis Alvarado (Peru); Mr. Max Hymans (France); and also established the following Commissions and Committees:—

Executive Committee, composed of Heads of delegations (President: Dr. Louis de Brouckere, Belgium).

Commission No. 1: General Policy (Chairman: Mr. Stokeley W. Morgan, U.S.A.).

Commission No. 2: Air Navigation (Chairman: Mr. Carl Ljunberg, Sweden).

Commission No. 3: Air Transport (Chairman: Mr. John Leydon, Ireland).

Commission No. 4: Legal Questions (Chairman: Major K. M. Beaumont, United Kingdom).

Commission No. 5: Administration and Finance (Chairman: Col. P. A. Chapa, Mexico).

Committee on Rules of Procedure (Chairman: Dr. T. F. Reis, Brazil): Mr. A. Garnault (France), Sir F. Tymms (India), Mr. H. J. Spanjaard (Netherlands), Mr. G. C. Neal (U.S.A.).

Credentials Committee (Chairman: Dr. Joseph Kalenda, Czechoslovakia): Col. C. Y. Liu (China), Mohamed Roushdy Bey (Egypt), Col. P. A. Chapa (Mexico), Mr. Louis Clerc (Switzerland).

Co-ordinating Committee (Chairman: Dr. Louis de Brouckere, Belgium), composed of heads of Commissions.

Five Plenary Sessions were held, and as a result of deliberations as recorded in the minutes and reports of Commissions, Sub-commissions, and Committees the Assembly approved reports and adopted resolutions as attached hereto as Appendix "A."

APPENDIX A.—CONSOLIDATED LIST OF RESOLUTIONS ADOPTED BY THE FIRST INTERIM ASSEMBLY

I

PARTICIPATION OF NON-MEMBER STATES AND INTERNATIONAL ORGANIZATION IN DISCUSSIONS OF THE ASSEMBLY

RESOLVED :

That States not members of PICAO, attending the Assembly as observers, and International Organizations shall have the right to participate in all the discussions of the Assembly, its Commissions and Sub-commissions : and

That States not members of PICAO, attending the Assembly as observers, shall have, as regards the draft conventions on private air law, the right to participate in discussions and to sign the conventions finally decided upon.

II

REQUEST OF THE ITALIAN GOVERNMENT TO SEND OBSERVERS TO THE FIRST INTERIM ASSEMBLY

RESOLVED :

That the Interim Assembly, having considered the request of the Italian Government, transmitted to the Provisional International Civil Aviation Organization by the Italian Ambassador in Washington, hereby authorizes and directs the President of the Interim Council to notify the Italian Government that its request to send observers to participate in the work of the Assembly has been approved by the Assembly.

III

REGIONAL MEETINGS

WHEREAS :

The Assembly considers that regional meetings are an essential function of PICAO in facilitating the widespread acceptance of uniform standards, practices and procedures in international civil air navigation activities : and

WHEREAS :

The full benefit of the regional meetings so far held has not been fully realized because insufficient time has been allowed for preparation and study :

NOW THEREFORE :

The Assembly endorses the action of the Council in establishing and delimiting the regions and in placing and convening the regional air navigation meetings, and

RESOLVES :

That, in future, a more generous period of time be allowed between meetings to permit more adequate preparation and a further consideration of their results and implications.

IV

DESIRABILITY OF A MULTILATERAL AGREEMENT

RESOLVED :

That the First Interim Assembly affirms the opinion of its members that a multilateral agreement on commercial rights in international civil air transport constitutes the only solution compatible with the character of the International Civil Aviation Organization created at Chicago.

V

DEVELOPMENT OF A MULTILATERAL AGREEMENT

WHEREAS :

The Assembly of the Provisional International Civil Aviation Organization desires to establish a program for the development of a multilateral agreement which will be acceptable to member States as rapidly as is possible ; and

WHEREAS :

The Assembly is in accord that a final multilateral agreement on commercial rights should not be completed or presented for signature by the member States present at this Assembly :

NOW THEREFORE BE IT RESOLVED :

That Commission Number 3 of this Assembly be directed to proceed immediately with a frank and open discussion of all of the problems involved in developing a multilateral agreement, so that the national points of view of the member States may be made known with respect to all matters which may be the subject of such an agreement, and that in such discussion the Commission take into account the documentation now or hereafter before the Commission for its consideration : and further

RESOLVED :

That the discussion resulting therefrom be incorporated into a document which would serve as a basis of further study by the Air Transport Committee of the Council for the purpose of developing a multilateral agreement, which will take into account such national points of view, for submission to the next annual Assembly ; and further

RESOLVED :

That each member State be requested, during the coming year, to furnish to the Council for reference to the Air Transport Committee any additional views which it may have on the subject and the Council is requested to circulate such views and information as to progress to member States during such period, to the end that the Air Transport Committee may present to the next annual Assembly a document which will embody the experience of nations with operations under existing or future agreements, that may be of benefit in developing a multilateral agreement.

## VI

### FACILITATION OF INTERNATIONAL AIR TRANSPORT

WHEREAS :

In the furtherance of principles enunciated in Articles 22 and 23 of the Chicago Convention relative to the need for facilitating international air transport, the Division on Facilitation of International Air Transport, created by the Interim Council of the Provisional International Civil Aviation Organization, has prepared a document entitled " International Standards and Recommended Practices on Customs, Immigration, Sanitary and Related Matters Facilitating International Air Transport (2 February 1946) " ;

WHEREAS :

The above-mentioned document represents a unification and simplification of existing customs, immigration, and public health rules and procedures in so far as they affect international civil air transport ;

WHEREAS :

The above-mentioned document was transmitted on March 2, 1946, by the Interim Council to member States requesting them to transmit their views with respect thereto within 60 days ;

AND WHEREAS :

The First Interim Assembly, taking note of the above-mentioned document and recognizing its great importance as a positive contribution to the public, the airlines, and the development of international civil air transport in general, expresses its interest and appreciation of the work done by the FAL Division of PICA0 ;

NOW THEREFORE THE FIRST INTERIM ASSEMBLY HEREBY RESOLVES :

(a) That it endorses the objective of facilitation of civil air transport embodied in the above-mentioned document ;

(b) That member States which have not already done so should submit their comments on the above-mentioned document as rapidly as possible, and in any event not later than 15 June 1946 ;

(c) That the Interim Council, taking into account the comments received from member States, and after reference, if considered necessary, to the Division on Facilitation of International Air Transport, should establish a document in final form and submit it to the States for action as Standards and Recommended Practices under Article XIII, Section 3, of the Interim Agreement at the earliest possible date ;

(d) That the Interim Council should initiate (without detriment or delay to the application of the " International Standards and Recommended Practices on Customs, Immigration, Sanitary and Related Matters, Facilitating International Air Transport (2 February 1946) ") discussions with the appropriate international bodies to develop the simplification of passport and visa systems and public health regulations ;

(e) That the Interim Council, taking account of the replies of member States to the letter issued by the Council on 2 March 1946, and after reference, if considered necessary, to the Division on Facilitation of International Air Transport, should prepare as rapidly as possible a further draft incorporating those sections of the above-mentioned document in final form which might appropriately be made the subject of a binding multilateral agreement ; that this draft should be circulated to member States for their comments, but a reasonable time limit should be set for this purpose ; and that when further comments are received a new draft should then be prepared for discussion at the next Assembly, with the object of ultimate incorporation in the Convention on International Civil Aviation.

## VII

### PROBLEMS OF INTERNATIONAL AIR MAIL

#### RESOLVED :

That the Interim Assembly, having examined the desirability of convening an international conference on problems relating to international air mail ; considering the disruption by war of international air mail services ; and believing that the problems of international air mail are of such vital importance for the future development of international civil aviation that they require at an early date solutions that will safeguard and harmonize the different responsibilities and interests involved—

- (a) Expresses its approval of and its appreciation for the valuable preparatory work already accomplished by the Interim Council and the Secretariat on problems concerning international air mail ;
- (b) Requests the Interim Council to continue its studies on the problems of international air mail, in consultation with other organizations concerned, transmitting to the latter its views and studies on the matter, for such consideration or action as may appear desirable ; such studies to consider mainly the relationship between the economics of air mail and the economics of international air transport as a whole, with a view to promoting the sound and economical development of international civil aviation and giving to the community of nations the largest benefits associated therewith ;
- (c) Requests the Interim Council to direct the Secretariat to establish as close a liaison as possible with the International Bureau of the Universal Postal Union, especially for the purpose of exchanging information of mutual interest : and
- (d) Expresses the view that, in the light of the information available, it does not appear opportune to reach a final conclusion on the calling of an international conference on international air mail ; and that the calling of such a conference should be subject to negotiations and agreement with the competent international organizations.

## VIII

## PICAO STATISTICAL REPORTING FORMS

## WHEREAS :

In compliance with the applicable provisions of the Interim Agreement, statistical reporting forms were transmitted to member States on the 30th of November 1945, with the request that the data, beginning with the month of January 1946, be filed with the Interim Council :

## WHEREAS :

The response to date from member States to this request has been negligible and the statistics sought are indispensable if PICAO is to perform the functions conferred upon it by the Interim Agreement and, through the fulfilment of those functions, to further the development of international civil aviation : and

## WHEREAS :

Further study and development of the reporting forms appears necessary in order to increase the value of the information furnished by means thereof, and in order to promote ease of filling them out, such improvement should be worked out in consultation with the operators and other interested organizations :

## IT IS HEREBY RESOLVED :

(a) That member States shall undertake the necessary steps in order to file with the Interim Council the international air traffic data on the existing 1946 PICAO statistical reporting forms as soon as possible. When it proves impossible or unduly burdensome to fill out the forms in complete detail or from the initial date of January 1946, PICAO should accept the forms filled out to the extent practicable :

(b) That member States shall undertake the necessary steps in order to submit their comments on possible improvements of the existing 1946 PICAO statistical reporting forms as soon as possible, and in any event before August 1, 1946, in order that improved forms may become available before 1947 :

(c) That the Interim Council take the necessary steps, by establishing or convening such appropriate bodies as are provided for by the Interim Agreement, by securing the services of the necessary technical experts on a consulting or full time basis, or otherwise, to—

- (i) Examine and develop the PICAO 1946 statistical reporting forms and modify them, and bring them more in line with the appropriate requirements and with the objectives to be pursued by PICAO :
- (ii) Determine and clarify definitions, particularly the definition of the expression " International Air Service," which definitions must be adequate to the development and completion of the PICAO statistical reporting forms ; and
- (iii) Establish with qualified organizations necessary relationships with a view to contributing to the efficient and prompt development of its work.

## IX

## FILING, RECORDING AND PUBLICATION OF AGREEMENTS RELATING TO INTERNATIONAL AIR TRANSPORT

## RESOLVED :

That the Assembly appreciates the thoroughness of the preparations which the Interim Council has made for the filing, recording and publication of agreements relating to international air transport in the endeavour to give effect to the principle of open agreements embodied in the Interim Agreement, and, while approving this work in principle, directs the Council to re-examine the schedule of classes of agreements which should be filed with PICAO with the object of limiting it to the minimum necessary to secure the principles of the Interim Agreement.

## X

**RULES FOR THE SETTLEMENT OF DIFFERENCES ARISING AMONG MEMBER STATES IN CONNECTION WITH INTERNATIONAL CIVIL AVIATION MATTERS**

**THE FIRST ASSEMBLY:**

Having in view the desirability of improving as far as possible the Rules adopted by the Interim Council for the settlement of differences between States relating to international civil aviation matters,

**RESOLVES:**

To recommend to the Interim Council the adoption of the modifications in the existing Rules comprised in the memorandum prepared by Commission 4 annexed to the Commission's report on Item 1 of its Agenda (Doc. 1715 LE/10).

## XI

**DRAFT CONVENTIONS ON PRIVATE INTERNATIONAL AIR LAW PREPARED BY THE CITEJA**

**RESOLVED:**

That it is legal and desirable for the First Interim Assembly of PICAO and those States not members of PICAO represented at this Assembly to proceed to the consideration of the draft conventions on private international air law forwarded by the CITEJA to the Council of PICAO after examination by the appropriate Commission; and that it would be legal for this Assembly to adopt them with or without modifications or to take other appropriate action with regard to them.

## XII

**SELECTION OF THE SEAT OF THE PERMANENT ORGANIZATION**

**RESOLVED:**

That the Assembly proceed with a full and free discussion of possible sites, to be followed by a secret ballot (under Section IX, paragraphs 4 and 5, of the Rules of Procedure) in the full Assembly: such balloting not to be limited to the States mentioned in the discussion: and where a State selected has more than one suitable site, to choose by vote of the Assembly a specific city in the member State selected.

## XIII

**FILLING OF THE VACANCY ON THE INTERIM COUNCIL**

**RESOLVED:**

That the Assembly proceed with a full and free discussion, to be followed by secret ballot (under Section IX, paragraphs 4 and 5, of the Rules of Procedure) in the full Assembly: such balloting not to be limited to the States mentioned in the discussion.

## XIV

**PUBLIC INFORMATION POLICY OF PICAO**

**RESOLVED:**

That a special Public Information Group be formed in the Secretariat of PICAO to achieve the objective of world-wide publicity; and that the group be provided with adequate facilities to carry out this program of information; and that the performance of this task shall be left to the determination of the Interim Council; and that in selecting staff for the Group the prime consideration shall be to secure personnel with high qualifications for the duties proposed: that the size of the group shall be kept to the minimum consistent with the efficient discharge of those duties; and that it should be an instruction to the group from the Council to make full use of, and not in any way to duplicate, the services rendered by the officials already responsible for publicity in the field of civil aviation in the various member States.

## XV

## STATUS AND FUNCTION OF REGIONAL OFFICES

## RESOLVED :

That the Assembly agrees in principle to the policy of establishing regional offices under the direction of PICAQ, leaving details of such establishment to the Council to decide, having due regard to the recommendations of the Dublin and Paris Air Navigation Meetings and other regional meetings which will be held in the future.

## XVI

## REPORT OF THE INTERIM COUNCIL

## RESOLVED :

That the Assembly highly commends the Council for the excellent Report submitted as Document A/4, which has provided the Assembly with a clear and comprehensive background on the work of the Council during the past year, and has proved of the greatest value to the Delegates of the Assembly in their consideration of the problems facing the Organization.

## XVII

## PARTICIPATION OF EX-ENEMY STATES IN PICAQ ACTIVITIES

## RESOLVED :

That the Council may invite ex-enemy States to participate, without the right to vote at its meetings, in Regional Air Navigation Meetings, and in meetings of Technical Divisions, when, in the judgment of the Council the attendance of ex-enemy States is considered useful for the furtherance of the objectives of the meetings. In the case of ex-enemy States under Allied Military Government, invitations should be addressed only to the Governments of the Allied Military Authorities.

## XVIII

## PREPARATION OF THE INTERNATIONAL CIVIL AVIATION ORGANIZATION

## RESOLVED :

1. That all member States be urged to ratify the Convention on International Civil Aviation as soon as possible and that the Interim Council be requested, as ratification progresses, to recommend to member States the procedure for depositing their instruments of ratification so that all States which have not yet done so may deposit simultaneously their ratifications on the 1st March, 1947.

2. That all member States should notify the Interim Council as early as possible, and, if possible, during the present session of the Assembly, whether they are prepared or expect to conform to the preceding resolution.

3. That all member States should notify the Interim Council as and when they have accomplished the necessary preliminary legislative and other measures to enable them to deposit their instruments of ratification and that the Interim Council should notify all States of the progress of these measures.

4. That the Assembly, recognizing the necessity of continuity between the Provisional and Permanent Organizations directs that on the coming into force of the Convention the Interim Council, its officers, the Secretariat, and other organs of the Provisional Organization shall continue to function under existing rules and regulations until they are replaced by corresponding organs of the Permanent Organization, or until the Permanent Assembly or Council shall otherwise direct.

5. That on the coming into force of the Convention, the Interim Council shall call the first session of the Assembly, fix the time and place of its meeting and prepare its draft agenda, and that the President of the Interim Council shall open the Assembly and preside over it until a President has been elected.

6. In fixing the date for the convening of the first Permanent Assembly, the Interim Council shall have regard to the importance of ensuring the widest representation of States on the Council of the Permanent Organization.

7. That the Interim Council shall prepare recommendations for the first Permanent Assembly with respect to the general organization of its work, basing such recommendations on the experience of PICAQ, the development of international civil aviation and the powers conferred on the Permanent Organization by the Convention: and that the Interim Council shall prepare draft rules of procedure for the conduct of work in the Assembly, Council, Commissions and Committees of the International Civil Aviation Organization.

8. That the first Assembly of the Permanent Organization shall be authorized to approve the statements of accounts of the last fiscal year of the Provisional Organization.

## XIX

### NORTH ATLANTIC OCEAN WEATHER STATIONS

RESOLVED:

That the ocean station ships in the North Atlantic Region will be kept in operation not from the General Fund, but by contributions in kind or in cash from States interested in these facilities in proportions to be agreed upon by the States concerned.

## XX

### REQUESTS FROM MEMBER STATES FOR AID IN THE PROVISION OR OPERATION OF AIR NAVIGATION FACILITIES

WHEREAS:

The Interim Council has—

- (1) Created a Special Committee on Aids and Financial Assistance to consider the Greek request and other specific cases presented to the Council;
- (2) Taken steps to obtain facts and opinions from Greece and States interested in international operations in Greece;
- (3) Made a study and analysis of available facts including among other items the past international civil air operations involving Athens, the location and character of world air traffic centres, available aerodromes in the area, and the proposed international civil air operations through Athens;
- (4) Taken steps to obtain information as to the position of the International Bank for Reconstruction and Development with respect to the general subject of financing;
- (5) Produced recommendations concerning the Greek request and recommendations on general policy of PICAQ assistance in such matters (Doc. 1482 C/131 and subsequent Council action);
- (6) Accepted the special committee report with recognition of its own responsibilities as defined in Chapter 15 of the Convention, and

WHEREAS:

The Greek request is still pending final action by the Council; and

WHEREAS:

It is desirable for the Assembly to indicate to the Council its views as to policies relating to financial assistance in such matters pursuant to the Interim Agreement.

NOW THEREFORE BE IT RESOLVED:

(1) That the Council has pursued a wise and satisfactory course in handling the Greek request;

(2) That projects such as the international airport in the Athens area requiring capital expenditures should not be supported by the General Fund of the Organization but should be financed by contributions in cash or in kind as agreed among interested member States;



(3) That as a next step the Council should convene a meeting of the interested States to consider the terms upon which agreement might be reached with respect to financing, constructing and operating the proposed project :

(4) That the same careful analysis should always be made of such requests for assistance of comparable magnitude :

(5) That in the opinion of the Assembly when a request for financial aid is received from any member State, the General Fund of the Organization may properly be used for investigations, negotiations, conferences, and other expenses incidental to the project, excluding any expenditures for the actual procurement, installation, construction, maintenance or operation of facilities ; and

(6) That in the event any such project is later financed by special assessments in agreed proportions, the General Fund shall then be reimbursed from such financing for any substantial expenditures previously charged to the General Fund ; and

(7) That in the event that a request for financial aid is not approved after investigation, the cost of investigations, negotiations, conferences and other expenses incidental to the project, shall be chargeable to the General Fund as an operating expense of the Organization.

## XXI

### RELATIONS BETWEEN PICAQ AND THE UNITED NATIONS

WHEREAS :

Article III, Section 5 (7) of the Interim Agreement provides, among the powers and duties of the Council, that it shall :

“ Enter into agreements with other international bodies when it deems advisable for the maintenance of common services and for common arrangements concerning personnel and, with the approval of the Assembly, enter into such other arrangements as may facilitate the work of the Organization ”

and

WHEREAS :

It is desirable that a direction should be given to the Council as to the action it should take if an approach is made by the United Nations on this question :

RESOLVED :

That the Interim Council is authorized, when requested by the Economic and Social Council of the United Nations, to conduct discussions with representatives of the United Nations on the definition of the future relations between the two Organizations. If, after such discussions, the Council believes that a formal agreement between the United Nations and PICAQ is desirable, it is authorized to participate in the drawing up of a draft agreement thereon for submission to the next Assembly of PICAQ for approval ; and

That the Interim Council is also authorized to make such arrangements with the United Nations or appropriate organs thereof as may be necessary for the effective co-operation of the two Organizations during the coming year. Any agreement so drafted or co-operative arrangements entered into shall preserve the autonomy of PICAQ with respect to the purposes for which it was created.

## XXII

### TRANSLATION OF PICAQ DOCUMENTS

RESOLVED :

That the Interim Council be instructed to give prompt consideration to the desirability of translating into important languages other than English, French and Spanish, the technical material issued by it, necessary for the information and guidance of the technicians in countries whose languages are other than English, French and Spanish, in order that there may be the fullest and most complete understanding of PICAQ standards and procedures throughout the world.

## XXIII

APPLICATION OF PICAO RECOMMENDATIONS FOR STANDARDS, PRACTICES  
AND PROCEDURES

WHEREAS :

The Assembly considers that in the present state of international aviation development the provision for application of Recommendations for Standards, Practices and Procedures under the Interim Agreement constitutes a satisfactory interim procedure ;

NOW THEREFORE IT RESOLVES :

That while it would be premature at this time for the Assembly to attempt to act to make them legally binding, the Council should give attention to improvements in the provisions of the Convention in the light of experience gained by member States in applying the Standards under Article XIII of the Interim Agreement.

## XXIV

## SCHEDULING OF MEETINGS OF TECHNICAL DIVISIONS

WHEREAS :

The necessity of early formulation of Recommendations for Standards, Practices and Procedures has required the close scheduling of initial meetings of the Technical Divisions ; and

WHEREAS :

The member States have found some difficulty in adhering to the past schedule of meetings ;

NOW THEREFORE THE ASSEMBLY RESOLVES :

That in future the schedule of meetings of the Technical Divisions should be such that member States have ample time to prepare for presentation of their views ; and it is suggested that the appropriate PICAO draft documents, with the draft Agenda, should normally be in circulation for a period of at least ninety days before the particular Division meeting ; and

THE ASSEMBLY FURTHER RESOLVES :

That the Council should take all possible steps to give all member States reasonable time for study of the Final Reports of the Technical Divisions prior to final Council action thereon.

## XXV

ACTION TO BE TAKEN BY PICAO IN FURTHERING INTERNATIONAL  
COLLABORATION ON RESEARCH AND DEVELOPMENT WORK ON  
TECHNICAL SUBJECTS

WHEREAS :

It is desirable that research and development work that will lead to the improvement of PICAO Standards, Practices and Procedures should be encouraged and co-ordinated internationally ;

NOW THEREFORE THE ASSEMBLY RESOLVES :

That the Interim Council should direct the Technical Divisions to enumerate the subjects within their fields of interest on which they consider that development work should be undertaken and that the Interim Council should then take appropriate action to further international collaboration in such work.

## XXVI

## CREATION OF SPECIAL RADIO TECHNICAL DIVISION

WHEREAS :

The work of PICAO deals not only with the establishment in the present of international Standards, Practices and Procedures, but in the preparation of improved Standards, Practices and Procedures for the future ;

**NOW THEREFORE :**

The Assembly endorses the action taken by the Interim Council in creating the Special Radio Technical Division to consider, among other matters, the problems of co-ordination among member States of technical research and development which may lead to improvements in air navigation radio facilities and related Standards, Practices and Procedures.

**XXVII****UNIFICATION OF NUMBERING AND SYSTEMS OF DIMENSIONING IN CONNECTION WITH INTERNATIONAL CIVIL AVIATION****WHEREAS :**

The wording of the fourth resolution of the Final Act of Chicago is as follows :

“ **WHEREAS :** a standard system of measurements in all rules and regulations pertaining to air traffic on international and intercontinental airways would greatly contribute to the safety of these operations ; and

“ **WHEREAS :** it is considered of high importance that figures used in rules and regulations and other data, with which aircrews and other operational personnel have to deal in the preparation of and during flights over various countries, should consist of round figures which can easily be remembered ;

“ The International Civil Aviation Conference RESOLVES : 1. That in those cases in which it appears impracticable or undesirable to make use of the metric system as a primary international standard, units in publications and codes of practice directly affecting international air navigation should be expressed both in metric and English systems ; and

“ 2. That the Provisional International Civil Aviation Organization shall make further unification of numbering and systems of dimensioning and specification of dimensions used in connection with international air navigation the subject of continuing study and recommendation.”

**WHEREAS :**

The Universal adoption of a standard method of measurements in civil aviation is generally recognized to be desirable, notably for the safety of air navigation ; and

**WHEREAS :**

It is particularly necessary for the safety of air navigation to achieve at the earliest possible date a uniform practice in the units of measurements used between aircraft in flight and ground stations in the exchange of air traffic control instructions and information required for the safe operation of aircraft ; and

**WHEREAS :**

ICAN adopted the metric system as a standard for air navigation and a number of States have adopted the metric system, some of them many years ago, as a national standard and such States would be reluctant to reverse their policy ; and

**WHEREAS :**

The dimensional units used in the PICA “ Recommendations for Standards, Practices and Procedures ” and those adopted by the Council following the recommendations of the Dublin Conference and those recommended by the Paris Air Navigation Meeting are not in all respects the same ; and

**WHEREAS :**

The majority of flying and air traffic control personnel in the world now use methods of measurement other than the metric system, the majority of aircraft instruments used are calibrated in units that are non-metric, the majority of maps used in flight are on a non-metric basis and the immediate substitution of the metre for the foot as a unit of vertical measurement presents an element of hazard ; and

**WHEREAS :**

The Council has created a Special Committee to report on the standardization of dimensional systems in international air navigation ;

NOW THEREFORE THE ASSEMBLY RESOLVES :

That the Council authorize the Special Committee created to report on the standardization of dimensional systems in international air navigation to consult experts appropriately qualified in the various fields to be surveyed and that the Council give the following terms of reference to the Special Committee :—

- (1) To determine the nature and importance of the handicaps imposed on civil aviation by lack of unification of units of measurement and to recommend the best means of overcoming such handicaps ;
- (2) To recommend how agreement may soonest be reached for the unification of practice respecting the greatest possible number of units of measurement to be used in communications between aircraft in flight and ground stations ;
- (3) To study and report on the nature and the timing of the steps that would have to be taken to secure the application of the metric system in civil aviation in the event it should finally be internationally adopted in this field.

## XXVIII

### DEVELOPMENT OF A MULTILATERAL AGREEMENT

RESOLVED :

That the document resulting from the discussion of the problems involved in the development of a Multilateral Agreement on Commercial Rights in International Civil Air Transport, which document is referred to in the resolution adopted by the third Plenary Meeting and recited at paragraph 32 of the minutes of that Meeting, shall consist of—

- (a) A verbatim transcript of the oral discussion on that subject which took place in Commission No. 3 during the current session of the Assembly, as edited and placed in the hands of the Secretariat on or before 30 June, 1946 ;
- (b) Written comments of member States submitted at the meetings of said Commission ;
- (c) Such further written comments as may be received from member States on or before 30 June, 1946.

## XXIX

### CITEJA DRAFT CONVENTION ON ASSISTANCE AND SALVAGE OF AIRCRAFT BY AIRCRAFT ON LAND

WHEREAS :

Important aspects of this matter have not yet been fully considered by certain Governments, and PICAO is already studying questions in connection with search and rescue and accident investigation, which are under consideration ;

THE ASSEMBLY RESOLVES :

That consideration of the CITEJA draft convention on Assistance and Salvage of Aircraft by Aircraft on Land be postponed, and that the technical problems involved in the subject-matter of the said draft convention be studied further by the Council in connection with its pending projects.

## XXX

### AMENDMENTS TO THE WARSAW CONVENTION

WHEREAS :

The First Interim Assembly of the Provisional International Civil Aviation Organization is of the opinion that consideration of more extensive revision of the Convention of Warsaw than is contained in the amendments proposed by CITEJA is desirable, in view of the rapid development of air transport in recent years, and particularly during the current period ; and that greater ultimate good will accrue to international air transport if more extensive revision as aforesaid is considered, even at the expense of further delay ;

**IT IS THEREFORE RESOLVED :**

(a) That there shall not, at this first Interim Assembly, be formulated or adopted any protocol or similar document amendatory to the Convention of Warsaw ;

(b) That the matter of amendment to the Convention of Warsaw should be referred back to CITEJA with a request that CITEJA, or any other body which may succeed to the functions of CITEJA, should review the entire convention for the purpose of considering the need of a more complete and extensive revision thereof in the light of recent experience in air transportation, and of technical studies now being undertaken by PICAQ, IATA and others ;

(c) That member States and those States not members of PICAQ represented at this Assembly should be invited to furnish to the Council as soon as possible any additional views on the subject ;

(d) That if the need for such further revision is indicated, the Council shall present to the next Assembly either appropriate amendments to the present convention, or a new draft convention on the same subject matters as are comprised in the Convention of Warsaw ; and

(e) That a copy of this Resolution shall be transmitted to the members of PICAQ, other States represented at this Assembly, CITEJA, IATA and such other parties as the Council deems advisable, with a request that proposals for amendment of the convention may be sent to the Council of PICAQ as soon as practicable.

**XXXI**

**MEANS BY WHICH PICAQ SHOULD, IN FUTURE, DEAL WITH  
LEGAL PROBLEMS**

**RESOLVED :**

1. That in setting up the Permanent Organization provision should be made for the establishment, on the authority of its Assembly, as part of the Permanent Organization, and responsible to the Council, of a Permanent Committee on International Air Law with the functions to—

- (a) Study and prepare draft conventions leading progressively to the unification of International Air Law ;
- (b) Advise on questions relating to International Air Law submitted to it by the Permanent Organization ;
- (c) Collect legislative, administrative and legal information concerning International Air Law and transmit this information to the Secretariat of the Permanent Organization for communication to member States.

2. That the date and method of establishment of the Legal Committee and its functioning be fixed by the Council after consultation with the Secretary General of the CITEJA, and that in the functioning of this Committee with respect to International Private Air Law matters, there shall be taken into account the experience of the CITEJA in its formation, organization and its Secretariat in order that the advantages thereof may be preserved.

3. That any member State so desiring shall have the right to appoint one or more representatives on such Committee and that the member States whose nominees are now members of the CITEJA be requested to place at the disposal of such Committee the expert personnel previously made available by them to the CITEJA together with all reports in the course of preparation or study by such expert personnel.

4. That the CITEJA be invited to place at the disposal of the said Committee its records and archives and any secretarial staff suitable for employment by the Organization.

5. That the Interim Council undertake as soon as possible the necessary planning for the establishment of a Legal Committee in the Permanent Organization, and to that end that the Interim Council be authorized to consult with the Secretary General of the CITEJA.

6. That, in view of the above decisions, the Assembly consider that no action is required concerning the draft conventions mentioned under No. 2 (f), (g) and (h) of the Agenda of Commission No. 4<sup>(1)</sup>.

## XXXII

## CONVENTION ON RECORDATION OF TITLE TO AIRCRAFT AND AIRCRAFT MORTGAGES

## WHEREAS :

It appears desirable to have placed in effect among as many States as possible and as soon as possible a convention on recordation of title to aircraft and aircraft mortgages in order to facilitate dealing in and financing of aircraft engaging in international air navigation, and

## WHEREAS :

Substantial progress has been made towards the preparation of such a convention, but nevertheless it appears that further study and exchange of views are necessary as a prelude to the formulation of a satisfactory convention for adoption by the Assembly and signature and ratification by the greatest possible number of States, and

## WHEREAS :

It is understood that the Assembly does not by its action hereinafter taken, adopt or endorse any view with respect to the final terms of a convention on recordation of title to aircraft and aircraft mortgages,

## NOW THEREFORE BE IT RESOLVED :

1. That the Interim Council cause to be circulated as soon as possible to all States, the CITEJA and other interested parties, the documents attached to the Report by Commission 4 on this matter (Doc. 1808 LE/36) consisting of (a) a draft convention on recordation of title to aircraft and aircraft mortgages, (b) a memorandum on the draft convention on recordation of title to aircraft and aircraft mortgages, and (c) the proposals of certain States for revision of the above draft convention, for the purpose of enabling the aforesaid parties to study the documents concerned and submit comments and proposals with respect thereto to the Council.

2. That the Council request all States, the CITEJA and other interested parties, to submit comments to it by 1st January, 1947. The Council shall circulate all documents and proposals received by it.

3. That on or before 1st January 1947, the Council appoint a small *ad hoc* legal committee on the convention on recordation of title to aircraft and aircraft mortgages, or take other appropriate steps, to review the comments and proposals received and to prepare a report containing an analysis of the problems and, to the extent determined to be feasible, recommendations as to their solution.

4. That the Council communicate to all States the report and recommendations mentioned above for action at the next Assembly thereafter.

## XXXIII

## FINANCIAL ARRANGEMENTS OF THE ORGANIZATION

## WHEREAS :

Article II, Section 2, paragraph 5, of the Interim Agreement, provides that the powers and duties of the Assembly shall be, among other things, to determine the financial arrangements of the Organization, and

(1) (f) CITEJA draft Convention on the Status of the CITEJA :

(g) CITEJA draft Convention on the Interpretation by CITEJA of the conventions and rules on Private Air Law ;

(h) CITEJA draft Convention entrusting CITEJA with the preparation of measures to implement conventions on Private Air Law.

**WHEREAS :**

The Interim Council, pursuant to the powers conferred upon it by Article III, Section 5, paragraphs 2 and 6, to determine its own organization and rules of procedure and to authorize its own expenditures, adopted certain financial regulations effective in respect of the period prior to the convening of this Assembly, and

**WHEREAS :**

This Assembly approves such action on the part of the Interim Council but desires to adopt more permanent regulations pursuant to the provisions of the Interim Agreement, Article II, Section 2, paragraph 5,

**THE ASSEMBLY RESOLVES :**

That the financial arrangements of the Organization shall be as set forth in the financial regulations which are annexes of this resolution, and that the financial regulations hereby established shall supersede the financial regulations adopted by the Interim Council as of the date hereof.<sup>(1)</sup>

## XXXIV

**BUDGETS 1945-46 AND 1946-47 AND FINANCIAL STATEMENTS AND  
AUDITORS' REPORT AS OF 31st MARCH 1946**

**WHEREAS :**

The Interim Council, as required by Article III, Section 5, paragraph 6, has prepared and submitted to the Assembly the budget estimates of the Organization for the fiscal years 1945-46 and 1946-47 together with the statements of account of all receipts and expenditures through 31st March 1946, and such action as set forth in Document A/23 entitled "Report of the Interim Council (a) on the estimates 1945-46 and 1946-47 and (b) on the statements of accounts and on Financial Arrangements of the Organization,"

**THE ASSEMBLY RESOLVES :**

- That pursuant to Article II, Section 2, paragraphs 3 and 5 of the Interim Agreement—
- (a) The Budget for the fiscal year 1945-46 as attached hereto be approved<sup>(1)</sup>;
  - (b) The budget estimates for 1946-47 as attached hereto be approved<sup>(1)</sup>;
  - (c) The report of the Council with respect to the Financial Statements and Auditors' Report as set forth in pages 54 to 58 inclusive of said Document A/23 be approved.

## XXXV

**VOTE OF THANKS TO CANADIAN GOVERNMENT RE CANADIAN  
PREPARATORY COMMITTEE**

**WHEREAS :**

The Canadian Preparatory Committee rendered highly effective service in the inauguration of this Organization; and

**WHEREAS :**

The expenses of the Canadian Preparatory Committee were borne in substantial measure by the Government of Canada,

**THE ASSEMBLY RESOLVES :**

That the Interim Assembly of the Provisional International Civil Aviation Organization express its grateful appreciation to the Government of Canada for the generous assistance that it has given.

## XXXVI

**PROPORTIONS IN WHICH EXPENSES OF THE PROVISIONAL INTERNA-  
TIONAL CIVIL AVIATION ORGANIZATION ARE TO BE BORNE BY  
MEMBER STATES**

**WHEREAS :**

In respect of the fiscal year 1945-46 the scale of advances from member States, as indicated in Annex A<sup>(1)</sup>, has been examined and approved by the Assembly; and

<sup>(1)</sup> These annexes are not reproduced here, but may be found in the Final Report of Commission 5 (Doc. 1823 A/42).

## WHEREAS :

In respect of the fiscal year 1946-47 the scale of contributions for member States, attached hereto as Annex B<sup>(1)</sup>, has been examined and approved by the Assembly; and

## WHEREAS :

Certain member States have made representations to the effect that the provisional contributions levied upon them for the fiscal year 1945-46 are unduly high having regard to their capacity to pay; and

## WHEREAS :

These member States have been assigned a reduced number of unit points in the scale of contributions for the fiscal year 1946-47; and

## WHEREAS :

Those member States which have been assigned an increased number of unit points in the scale of contributions for the fiscal year 1946-47 might experience difficulties, because of their fiscal procedures, in arranging for the payment of additional sums in respect of their 1945-46 contributions;

## THE ASSEMBLY RESOLVES :

That the expenses of the Organization for the fiscal year 1945-46 shall be borne by the member States in proportions determined in accordance with Annex A hereto;

That the expenses of the Organization for the fiscal year 1946-47 shall be borne by the member States in proportions determined in accordance with Annex B hereto; and

That notwithstanding the determination herein above made with respect to the proportions in which the expenses of the Organization shall be borne by member States for the fiscal year 1945-46, and notwithstanding anything to the contrary in the Financial Regulations, the Interim Council may consider applications from the member States referred to above, and grant any reductions as they consider fit to such States in their 1945-46 contributions provided that such reductions are met from funds resulting from savings in the 1945-46 budget.

## XXXVII

## APPOINTMENT OF AUDITORS

## WHEREAS :

The Financial Regulations of PICA O provide that the appointment of a person or firm in no way connected with the Organization to make an independent audit of the funds, assets and accounts of the Organization shall be subject to confirmation by the Assembly; and

## WHEREAS :

Commission No. V of this Assembly, whose duties among other things covered consideration of the appointment of auditors, has reported to the Assembly its recommendation that the Council appoint Price Waterhouse and Company, International, as auditors to the Organization, and has reported that said firm is, in its opinion, properly qualified and in no way connected with the Organization;

## THE ASSEMBLY RESOLVES :

That the appointment by the Council of said firm, Price Waterhouse and Company, International, as the firm to make annually and at such other times as may be necessary for special purposes, an independent audit of the funds, assets and accounts of the Organization be authorized.

## XXXVIII

## PAYMENT OF CONTRIBUTIONS BY MEMBER STATES

## WHEREAS :

The Secretary General reports that certain States have not as yet contributed to the expenses of the Organization as required under Article V of the Interim Agreement; and

<sup>(1)</sup> These annexes are not reproduced here, but may be found in the Final Report of Commission 5 (Doc. 1823 A/42).



**WHEREAS :**

Substantial obligations have been incurred by the Organization to carry out the purposes of this Agreement on behalf of the member States ;

**THE ASSEMBLY RESOLVES :**

That the said States be urged to pay such contributions in full forthwith.

**XXXIX****PICAO SYSTEM OF STAFF CONTRIBUTIONS IN LIEU OF INCOME TAX****WHEREAS :**

To equalize the salaries of employees not subject to national income tax with those who are subject to such tax, a system of deductions in lieu of income tax, known as the PICA system of contributions, has been established ; and

**WHEREAS :**

The tax liability of the staff of the Organization, both to their own government and to the Government of Canada, has not yet been finally determined ; and

**WHEREAS :**

The general purpose of the PICA system of contributions is the establishment of sound employee relations ;

**THE ASSEMBLY RESOLVES THAT :**

(a) Sums already collected under this system continue to be maintained in a separate fund until such time as all tax liability has been determined, when the amount thereof and subsequent collections shall be administered for the benefit of employees generally ;

(b) Deductions from employees' salaries as contributions in lieu of income tax shall, in no circumstances, be used to reduce the budget of the Organization during the fiscal years 1945-46 and 1946-47 ;

(c) The present PICA system of contributions shall in the discretion of the Council be maintained so long as necessary for the satisfaction of the objectives contained in the preamble herewith.

**XL****PROVISIONS FOR STAFF WELFARE****WHEREAS :**

The Staff and Travel Regulations, as presently drawn, include the general framework for personnel administration in the Organization, without comprehensive provision for certain aspects of staff welfare ; and

**WHEREAS :**

The staffing of international organizations presents particular problems which arise from dislocation of staff members from their normal places of residence ; and

**WHEREAS :**

It would seem desirable that this Assembly recognize these special problems in staffing the Secretariat ;

**THE ASSEMBLY RESOLVES THAT :**

The Council study the personnel administration of the Organization with a view to taking action on necessary amendment of Staff and Travel Regulations, as follows :—

- (a) To permit authorization of a separate maintenance allowance for new regular employees incurring substantial additional financial obligations because of the necessity for maintaining themselves away from their established households during the probationary period (Doc. 66, Article VI) ;
- (b) To provide for definite periods of sick leave with pay, and sick leave without pay, maternity leave, medical examination of new employees and retention of the services of a physician to report on absences due to illness (Doc. 66, Article VII) ;
- (c) To provide for a five-day work week for the Organization, if administratively feasible and desirable (Doc. 66, Article V) ;

- (d) To provide that the home address of each employee shall be registered at the time of appointment, and that if a change is made at a later date and considered to be justified, the Organization shall determine whether travel allowances authorized for biennial holidays shall be extended to cover the cost of travel to and from the new home address (Doc. 67, Article III).

## XLI

### STAFF RECRUITMENT OBJECTIVES

**WHEREAS :**

It is considered desirable to attain broad representation and at the same time a balance of staff among the member States ;

**THE ASSEMBLY RESOLVES :**

That the Staff Regulations be amended to include a general statement setting forth the recruitment objectives of PICA0 to provide for recruitment to the staff in reasonable proportion to the ability of the respective member States to supply qualified personnel for the tasks of the Organization (Doc. 66, Article I, page 3).

## XLII

### APPOINTING AUTHORITY

**WHEREAS :**

The Interim Agreement provides that the Council shall determine the method of appointment, emoluments and conditions of service of employees of the Organization ;

**THE ASSEMBLY RESOLVES THAT :**

(a) The Staff Regulations be amended to state specifically that the Council shall be the appointing authority in the case of the President and the Secretary General and that the Secretary General shall be the appointing authority in the case of all other staff, subject to approval by the Council or the President as outlined in policy adopted by the Interim Council on 29 August 1945 (Doc. 71) ;

(b) The Travel Regulations be amended to provide that these regulations shall be governed by and made in accordance with such detailed arrangements as may be adopted by the Council on the recommendation of the Secretary General.

## XLIII

### LOANED AND SECONDED PERSONNEL

**WHEREAS :**

The Assembly considers that the staff policy of the Organization should be directed to maintaining at all times as small a permanent establishment as is compatible with the efficient performance of the functions of the Organization ; and

**WHEREAS :**

The Assembly considers that the maximum establishment may possibly be required in the formative years of the Organization and that lesser numbers may be sufficient thereafter ; and

**WHEREAS :**

The Assembly considers that well qualified and experienced staff may, in certain circumstances, be secured on secondment from the Governments of member States ;

**THE ASSEMBLY RESOLVES :**

That the Council should pursue a policy of caution in expanding the permanent staff until such time as the requirements of the permanent establishment can be estimated with accuracy ; and

That the Council should explore with the Governments of member States the possibility of securing the services of suitable officers on secondment terms and for limited periods.

## XLIV TRAINING PLAN

### WHEREAS :

It is considered desirable to institute a plan for the introduction into the Secretariat of personnel sponsored by the member States for limited term appointments, for the purpose of giving such personnel technical and administrative training and experience in the Organization and of bringing about a wider distribution of information about the work of the Organization ;

### THE ASSEMBLY RESOLVES :

That the Council study and develop a program for limited term training appointments, to be tried out during the coming year to the extent that the size of the regular staff of the Secretariat permits, with a view to increasing the number of participants in the program, if the results warrant.

## XLV DISTRIBUTION OF PUBLICATIONS

### THE ASSEMBLY RESOLVES :

That, in general, the present policy of distribution of PICAŌ publications and documents, as laid down by the Interim Council, be approved.

## XLVI TRANSLATION

### WHEREAS :

It is considered that the rapid translation of PICAŌ publications and documents is of the greatest importance and is closely linked with the problem of distribution ;

### THE ASSEMBLY RESOLVES :

That all necessary action be taken by the Secretariat to achieve rapid translation of official documents.

## XLVII DISTRIBUTION OF DOCUMENTS

### WHEREAS :

Delegates in attendance at PICAŌ meetings require all necessary documents for these meetings, while those States whose delegates are not in attendance at meetings normally require only the Final Reports, but should by some means be enabled to obtain specific working documents ;

### THE ASSEMBLY RESOLVES THAT :

(a) All Final Reports be automatically distributed to member States, but no other documents should receive automatic distribution ;

(b) Delegates in attendance at meetings should receive the necessary documents for these meetings and should forward these documents to the home governments at their discretion ;

(c) A monthly list of all documents by name and number be sent to all member States so that requests for specific documents may be made as required ; this list to be issued separately from the PICAŌ *Journal*.

## XLVIII PUBLIC RELEASE OF DOCUMENTS

### WHEREAS :

It is considered that certain PICAŌ publications and documents may be requested by individual members of the public ;

### THE ASSEMBLY RESOLVES :

That the Council be authorized to determine which publications and documents are to be generally released for such a purpose and to fix prices for them.

## XLIX

## VOTE OF THANKS TO THE CANADIAN GOVERNMENT

RESOLVED :

That the First Interim Assembly express its deep appreciation to the Government of Canada for the care which it has exercised in preparing for this Assembly and for the many courtesies which it has extended to the delegations of the nations and organizations here represented.

## L

## VOTE OF THANKS TO THE PRESIDENT OF THE INTERIM COUNCIL

RESOLVED :

That the First Interim Assembly convey to Dr. Edward Warner, President of the Interim Council, an expression of its gratitude for the whole-hearted devotion to the task to be accomplished and for the practical guidance and vigorous stimulus which he has given to the work of the Organization.

## LI

## VOTE OF THANKS TO THE CITY OF MONTREAL

RESOLVED :

That the First Interim Assembly express its heartfelt thanks to the City of Montreal for the kindness, co-operation and hospitality which it has extended in so bountiful a measure.

## LII

## VOTE OF THANKS TO THE SECRETARIAT

RESOLVED :

That the First Interim Assembly convey its best thanks to the Secretariat General, the members of the Secretariat and all others who have assisted in the work of this Assembly for the superlative manner in which they have discharged their duties.

## LIII

## VOTE OF THANKS TO THE PRESIDENT OF THE FIRST INTERIM ASSEMBLY

RESOLVED :

That the First Interim Assembly of the Provisional International Civil Aviation Organization, at its final plenary session, extend to its distinguished President, the Honourable Louis de Brouckere of Belgium, its sincere appreciation for the efficient and thoughtful manner in which he has conducted the affairs of the Assembly and of its Executive Committee. The wealth of experience brought to the Assembly by our President in civil aviation and in international relations, combined with his abundance of tact, humour and common sense have endeared him to the delegates of the nations here assembled. In recording our thanks for his great contribution to the success of the Assembly we extend to him our warmest felicitations and hope that in many sessions to come we may be honoured by his presence as our President.

*Approximate Cost of Paper.*—Preparation, not given : printing (800 copies) £47.

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