The chief provisions are as follows:

"Article 1. — The Governments of the U.S.S.R. and of Afghanistan will each place two of their aeroplanes at the disposal of the Kabul-Tachkent air line as well as sufficient aviation personnel for the service in question. The departure of the aeroplanes from Tachkent to Kabul and from Kabul to Tachkent will take place twice a month in accordance with the departure time-table and apart from such time-table if necessary.

"Article 2. — The Afghan Government undertakes to create and to maintain in good condition within its territory the aviation and landing-grounds as well as all apparatus or material necessary for the air line.

"Article 3. — The Government of the U.S.S.R. undertakes to create and to maintain in good condition within its territory the aviation and landing-grounds as well as all apparatus or material necessary for the air line.

"Article 4. — The Government of the U.S.S.R. undertakes to supply to the Afghan aviation authorities, at the U.S.S.R. prices, the quantity of naphtha and fuel or oil necessary for the working of the Kabul-Tachkent air line.

"Article 5. — The payment of the U.S.S.R. personnel employed on the air line is an obligation of the Government of the U.S.S.R. and the payment of the Afghan personnel is an obligation of Afghanistan. The two Governments of Afghanistan and of the U.S.S.R. will communicate to each other in advance the names of the engineers and pilots who will be employed on the air line.

"Article 7. — The accounts and reciprocal payments for each year, in respect of the fuel, oil and any other products, etc., which the aeroplanes of each party have received or consumed in the territory of the other, will be settled in January of the following year between the plenipotentiary representative of the U.S.S.R. at Kabul and the Ministry for Foreign Affairs of the Kingdom of Afghanistan."

CHAPTER III. — POOLS.

Several of the conventions, extracts from which have been given above, are designed to establish co-operation between those companies of the two countries concerned which, under the terms of the agreement, are going to operate on a common line. It often happens that a situation similar to what has been described arises without an inter-State convention being concluded, the State over whose territory flights are to be made merely granting to a foreign company the right to operate a particular line provided that it comes to an agreement with the national company.

Such agreements between companies are numerous and of long standing. The number of companies operating the same line (there have sometimes been as many as six), and the competition for the few customers available, have long created difficult operating conditions. The companies have endeavoured to meet them by agreements for restricting competition or for minimising some of its effects. These agreements are known as pooling agreements. They usually imply the sharing of the receipts according to certain rules, but not the sharing of the subsidies which often form the chief part of the income of private companies.

The exact nature of the agreements is not generally published. The companies invoke, in this connection, the necessity for secrecy in matters of business. It is therefore only possible to give here:

1. A list of the pools to which the "Luft-Hansa" belongs;
2. A specimen of a pooling agreement, which is not a copy of any actual agreement, but which indicates the spirit in which most of them are drawn up.

**LIST OF AGREEMENTS ESTABLISHING POOLS.**

<table>
<thead>
<tr>
<th>German Company</th>
<th>Foreign Company</th>
<th>Line</th>
</tr>
</thead>
<tbody>
<tr>
<td>D.L.H. Farman</td>
<td>Farman</td>
<td>Berlin-Cologne-Paris</td>
</tr>
<tr>
<td>D.L.H. Farman</td>
<td>Farman</td>
<td>Berlin-Saarbruck-Paris</td>
</tr>
<tr>
<td>D.L.H. Swissair</td>
<td>Swissair</td>
<td>Zurich-Munich-Salzburg-Vienna (with Oelag)</td>
</tr>
<tr>
<td>D.L.H. Swissair</td>
<td>Swissair</td>
<td>Geneva-Berne-Zurich-Munich-Salzburg-Vienna</td>
</tr>
<tr>
<td>D.L.H. S.A.M.</td>
<td>(Berlin)</td>
<td>Munich-Venice-Rome</td>
</tr>
<tr>
<td>D.L.H. A.B.A.</td>
<td>Det Danske</td>
<td>Malmö-Copenhagen-Lubeck</td>
</tr>
<tr>
<td></td>
<td>Luftfartselskap Hamburg</td>
<td></td>
</tr>
<tr>
<td>D.L.H. Farman</td>
<td>K.L.M.</td>
<td>509, 511</td>
</tr>
<tr>
<td></td>
<td>Sabena</td>
<td>517</td>
</tr>
</tbody>
</table>
OPERATION AGREEMENT.

BETWEEN

A ........................................
hereinafter briefly referred to as .......... AND

X ....................
hereinafter briefly referred to as .......... It has been agreed as follows:

Article 1.
The two companies A..... and X..... shall represent each other in ..... (country) and in ..... (country) on the lines authorised by the Governments and forming the subject of the present Agreement.

Article 2.
During the validity of the present Agreement, A..... undertakes to entrust exclusively to X..... the organisation of the land installation and of the airports on the lines authorised in ..... (country). X..... assumes the same obligations towards A..... in respect of the lines authorised in ..... (country) and operated by A.....

Article 3.
A..... and X..... undertake to represent each other and to assist each other in all negotiations concerning the operation of the lines.

Article 4.
A..... shall maintain in ..... (country) and X..... shall maintain in ..... (country) a principal agency for the operation of their lines. The two companies are entitled to entrust branch agencies in their respective countries to third parties.

The expenditure in connection with travelling agencies, advertisements, etc., arising out of the representation of each company by the other shall be borne by the company established in the country concerned; placards and any other advertising material shall, however, be supplied in sufficient quantities free of charge by the company which is being represented. Each of the two companies undertakes to make suitable use in its own country of the advertising material. In addition, a special agreement shall be concluded with regard to the passing through the Customs of passengers and goods.

Article 5.
Each of the two contracting companies shall place at the disposal of the other in its own country its administrative and technical organisations on the lines to which the agreement applies.

The organisation services which one company must render to the other shall include correspondence and the keeping of traffic registers, together with the drawing up of statistics to the extent which is customary on the part of the operating company; the accepting of consignments for aerial transport, the receiving of transport fees, the representation of the foreign company in dealings with the Customs administration, the Police and other authorities, the reimbursement, if necessary, of transport fees received, the maintenance of the service for transporting passengers and their baggage, postal packets and goods to and from the airport, the putting of aeroplanes into service, the garaging of the aeroplanes in the hangars, the bringing of them out before taking off, the exemption from charges in respect of taking off, landing and garaging, the payment of any charges for the services of the Customs staff at the airports, preparations for taking off, including the filling of the water, petrol and oil tanks, the cleaning of the cabins, the greasing and oiling of the landing gear, and the testing of the engines before taking off. The services in the domain of land organisation include the despatch of passengers, postal consignments and goods and of the aeroplanes themselves, the meteorological service for the pilots, including the use of a wireless station, and also the payment of the usual telegraphic and telephonic charges. (No responsibility can be taken for the accuracy and punctuality of the information.) The organisation services must also be rendered for the ordinary traffic when aeroplanes arrive ahead of time or late and also in the case of flights carried out on Sundays; nevertheless, expenditure occasioned by the services which a company may render in connection with Sunday flights — which must be notified in advance — shall be charged to the other company, with the exception of the expenditure in connection with the Sunday flights provided for in the agreement. The employees and pilots of the other company shall be transported free of charge in so far as places are available.

Further, each company shall place at the disposal of the other on the landing-grounds an office with telephonic installation and, on demand, a warehouse for spare parts.
Correspondence and intimations for the technical service shall be exchanged direct between the offices of the two companies in accordance with supplementary arrangements.

At Berlin, no service shall be organised for transporting passengers and goods to and from the air-port.

Article 6.
The maintenance charges in connection with the aeroplanes in use shall be borne by the company to which the aeroplanes belong, together with all expenditure for repairs, fuel, material, etc. No special charge shall be made for the work falling within the category of services mentioned in Article 5.
The price of the material shall be calculated by the company which supplies it on the basis of the replacement cost borne by the supplying airport, increased by ... per cent in respect of administrative expenses. Each company shall be entitled to replace the material taken over by material of the same nature and quality; such replacement must, however, be effectuated within a period of ... months after the despatch of the notification that the material has been taken over to the offices of the company to which the material has been supplied.

All work and repairs for the aeroplanes of the foreign company shall, if they do not fall within the provisions of Article 5, be carried out on the basis of the local wage scale, increased by ... per cent in respect of general expenses.

The pilot or mechanic who gives instructions for such work to be done must supply the technical service of the airport concerned with a written order. Work of importance arising out of the partial destruction of aeroplanes shall form the subject of investigation in each case; in such cases the increase in respect of general expenditure may be raised to ... per cent of the local wage scale. Such work may, however, only be executed with the consent of the manager of the company which places the order.

Article 7.

The contracting companies shall be entitled to maintain at their own expense in the airports of the foreign company a representative and a staff of their own, to whom the company of the country concerned must grant assistance free of charge. Nevertheless, the staff in question must comply with the general instructions of the traffic manager and with the service regulations in force in the airport. When such staff is not employed on work for their own company, they shall be at the disposal of the other company, at the place where they are stationed, during ordinary working hours.

During the period of operation of the air services A.... shall maintain in the town of .......... and X.... shall maintain in the town of .......... at their own expense at least one mechanic.

Article 8.

Liability towards third parties arising out of the possession and use of an aeroplane shall rest upon the owner of the aeroplane. The garaging and storing of aeroplanes and of material and the execution of the services mentioned in Article 5 shall be at the sole risk of the owner of the aeroplane; nevertheless, the traffic service of the other company shall be responsible for seeing that the wheeling and braking are only carried out by the personnel of the owner of the aeroplane and that the regulation prohibiting the filling of the petrol-tanks in the hangars and prohibiting smoking during this operation is strictly observed; as an exceptional measure, the petrol-tanks may be filled in the hangars by order of the traffic manager if there is no petrol-station in the open air or if the state of the weather justifies such measure. The oil-tanks may always be filled in the hangars.

In the event of a forced landing in the area of one of the companies, the company shall render assistance at the sole risk of the owner of the aeroplane.

Article 9.

It is proposed to operate air services as shown in Annex 11. That annex also contains more detailed information with regard to the services which each company shall render to the other in the domain of land organisation and with regard to the expenses in connection therewith; it likewise contains regulations with regard to the functioning of the pool.

The company responsible for the service shall designate in respect of its own part of the traffic operations the air personnel and material to be employed.

Article 10.

At the end of each month at latest, A..... and X..... shall transmit to each other in respect of the past month an account of the material, fuel, etc., delivered. The quantities of lubricants and fuel consumed by the two companies shall be set off against each other at the end of the month. The monthly accounts shall only include the surpluses calculated at the price of the day without increase.

The accounts shall be settled within fourteen days after their receipt.

Article 11.

The present Agreement shall be applicable during the period of operation indicated in Annex 1, subject to the exceptional provisions contained therein with regard to denunciation. The Agreement may be prolonged at any time by the two parties as soon as special arrangements have been concluded with regard to the points mentioned in Annex 1; if this is not done, the Agreement shall come to an end on the conclusion of the last air navigation service indicated in the Annex 1.

Further, each of the contracting parties shall be entitled to denounce the Agreement by giving four weeks' notice, to take effect at the end of any period.

Annex 1

TO THE OPERATION AGREEMENT BETWEEN A..... AND X..... FOR THE PERIOD ...... TO ......

1. Provision shall be made for the following traffic:

   I. By A....., on working days:

      (a) on the route between Y and Z
      three times weekly in each direction, with multi engined machines during the period .... to ....

      (b) on the route between Q and R
      three times weekly in each direction by single engined machines during the period .... to ....

1 See below.
(c) on the route between S and T (goods transport) three times weekly in each direction, by single-engined machines during the period .... to ....

(d) on the line between U and W six times weekly in each direction, by multi-engined machines during the period .... to ....

By A...., on Sunday:

(e) on the route between Q and R in each direction by multi-engined machines, during the period .... to ....

II. By X.... on working days:

(a) see I(a);

(b) see I(b);

c) see I(c).

Traffic on the lines I(a), II(a), I(b), II(b) and I(c), II(c) shall be so organised that A... and X... operate the lines jointly and that the two services supplement each other to constitute a service six times weekly. The two companies shall arrange that a regular service in each direction is ensured on the lines in question. Should the service require to be doubled, or special flights undertaken, the expenses shall be met by the operating company. If one company carries out a flight for the other, it may make the return flight also. The other company shall endeavour to carry out a similar supplementary flight, so that both companies shall, at the end of the month, have executed as nearly as possible half the regular flights.

2. The administrative and land organisation mentioned in Article 5 of the operation agreement shall be set up by A.... at ...... (town) and by X.... at ...... (town).

As regards the personnel, each company shall supply at its own expense during the period of operation:

X... at (town) .............. mechanics.

A... at (town) .............. mechanics.

3. Expenditure arising out of the land organisation mentioned in Article 5 of the main agreement shall be met by the company making use of such organisation, in the form of lump sums payable on the last day of each month. Such sums shall be calculated from the beginning of the period of operation, and for its duration.

A...... shall pay to X......:

On line 1 I(a) for the town of ............ RM ........ per month

" " 1 I(b) " " ............ RM ........ "

" " 1 I(c) " " ............ RM ........ "

" " 1 I(d) " " ............ RM ........ "

" " 1 I(d) " " ............ RM ........ "

" " 1 I(d) " " ............ RM ........ "

" " 1 I(c) " " ............ RM ........ "

For one Sunday flight in each direction RM ........ "

The expenditure incurred by X..... at ...... (town) on behalf of A..... on lines 1 I(a), (b) and (c) shall be regarded as set-off and settled by the expenditure incurred by A..... at ...... (town) on behalf of X..... on lines II(a), (b) and (c).

Special agreements shall be concluded regarding the land organisation services rendered at ...... (town).

X.... shall make no charge for the housing of one of A’s.... reserve machines at.... (town).

If provision is not made for the operation of the lines for complete months, or if the period of operation is subsequently modified, the monthly lump sum shall be replaced by a daily payment equal to .... of the lump sums specified above; if, however, the period of operation lasts for half a month, the said payment shall not exceed one half of the lump sums. If the lump sums specified above are not calculated on operations involving six services per week in each direction, the proportional figure of.... shall be increased accordingly.

As regards the carrying out of special flights, a charge of RM ..... shall be levied on single-engined machines and of RM...... on multi-engined machines per day and per airport for operation in one direction; the same treatment shall be applied both to airports along the route and to the terminus airport.

4. The pool regulations shall be as follows for lines 1 I(a), II(a), I(b), II(b) and I(c), II(c) : receipts from subsidies of every kind shall remain entirely at the disposal of the companies. Receipts from passenger, goods and mail services (mail transport being calculated at the usual rates) shall be pooled and divided between the companies in proportion to the useful load and number of kilometres flown.

The following factors shall be used in calculating the proportion of the useful load :

Type of machine (a) factor ......

" " (b) ......

" " (c) ......

" " (d) ......

(continued on next page)
The pool accounts shall be made up monthly on the date prescribed in Article 10 of the operation agreement. Before the pool accounts are made up, a commission of ...... per cent shall be deducted from the receipts, which commission the two companies shall grant each other in respect of the lines covered by the pool and the transport of passengers and goods. Should a company grant to third parties special commission in excess of the figure mentioned above, it shall nevertheless pay into the pool the full transport rate, less the ...... per cent mentioned above.

If the regular service is supplemented by the employment of special machines on the lines covered by the agreement, the receipts thus obtained shall accrue to the operating company. The pool accounts shall, however, be established as if full use had been made of the useful load of the regular service machine corresponding to the special machine.

**Special Arrangements.**

As regards lines 1 I(a), II(a) : In the event of the use by X...... of machines type...... only, a proportion of...... in favour of A...... and in favour of X...... shall be taken as the useful load instead of the proportion indicated above.

As regards lines 1 I(c), II(c), the receipts shall be divided in the ratio of...... to...... When machines with different useful loads are employed, a weight of freight amounting to...... kg. per machine of each of the contracting parties shall be deemed to be the limit of the useful load. Should a machine actually carry a heavier load, the receipts therefrom shall not be contributed to the pool but shall accrue to the operating company.

5. The provisions regarding the traffic referred to in No. 1 and the other provisions shall apply on condition that the subsidy required by each of the contracting parties be granted in full. Failing this, each of the two contracting parties shall have the right to denounce the agreement at...... days’ notice.

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**Part 4.**

**WORK OF THE LEAGUE OF NATIONS IN CONNECTION WITH CO-OPERATION BETWEEN CIVIL AVIATIONS AND THE PREVENTION OF THEIR USE IN WAR.**

**Chapter I. — Work of the Preparatory Disarmament Commission.**

The possible use of civil aviation for military purposes has been in the minds of all those who have directed their attention since the war to the grave problem of the reduction of armaments. Traces of this preoccupation may be found in the work of the Versailles Conference, and again at the Washington Conference (1921-22), the Air Commission of which submitted an important report on the subject.

Three dominant ideas may be noted in this essential document:

1. The possibility of using civil aviation for purposes of war renders the limitation of the latter inoperative if the former is not also limited in respect of numbers and allowable features.

2. The limitation of civil aviation is technically possible, but would have the most regrettable results by hampering progress, and would thus run counter to the end in view, since the development of civil aviation by facilitating communications must, in the long run, help to strengthen peace.

Consideration of these two principles in conjunction with one another led the Commission to the conclusion that:

3. Except in the special case of aircraft lighter than air, it is not practicable effectively to limit in any way the number and features of aircraft, whether commercial or military.

This Washington doctrine was never officially approved on the part of the League, whether by the Assembly or by its Third Committee, or by the Permanent Advisory Commission or the Mixed Temporary Commission which was then studying disarmament. The problem was to be discussed again after the constitution of the Preparatory Commission for the Disarmament Conference.

The need for including aviation in any general scheme for the reduction of armaments was vigorously affirmed in the Commission from the first by a large number of speakers. The association of the problem with the problem of the organisation and development of civil aviation was also pointed out. It was the occasion of thorough and prolonged
discussion in Sub-Commission A (on which the military, naval and air technical experts sat), which met during 1926.

Agreement could not be reached on the substance of the question.

The German and United States delegations took the view that civil aviation in itself is not of any considerable value as potential war armament.

All the other delegations, on the other hand, maintained:

That the personnel and material of civil aviation constitute potential war armaments of the utmost value owing to the facility and rapidity with which, generally speaking, they can be utilised for certain military purposes.

On the substance of the question, the delegations of Belgium, Chile, France, Italy, Poland, Roumania, Czechoslovakia and Yugoslavia maintained that any method of limitation must fulfil the following condition:

Any method, to be of practical effect, must make provision for an aggregate limitation of military and civil aviation. Any limitation of military aviation alone would be ineffective, owing to the possibility of its being compensated by a corresponding increase in civil aviation.

The delegations of Germany, the Argentine, Spain, the United States of America and the Netherlands contended that no limitation of civil aviation was possible. In their view, any form of reduction or limitation of air armaments could only relate to military aircraft of the different countries, and should not interfere with the expansion of commercial communications or the construction of civil aircraft.

The delegations of Germany, the Argentine, the British Empire, Spain, the United States of America, Finland, Japan, the Netherlands and Sweden asserted that, even from the technical standpoint of the possible use of civilian aviation for military purposes, Sub-Commission A was not qualified to consider any such limitation in view of the possible economic consequences.

To these assertions the following should be added.

The delegations of the Argentine, Belgium, Chile, Spain, Finland, France, Italy, Japan, the Netherlands, Poland, Roumania, Sweden, Czechoslovakia and Yugoslavia expressed or accepted the view that in the application of any convention for the limitation of armaments, whatever the method or methods chosen in the case of air armaments, the extent and potential development of the civil aviation of the countries concerned should be borne in mind, in accordance with the considerations set out in the replies to question (a) under II (b) and III, and to the question VI, without limiting civil aviation in its development.

The delegations of Germany, the Argentine, the British Empire, Spain, the United States of America, the Netherlands and Sweden, while recognising that a method which does not take civil aviation into account is incomplete, considered that the limitation of military aviation alone has the advantage of simplifying the problem for solution, that it may be regarded as a first step on the road to a reduction of air armaments, and that it is the best practical solution which can be contemplated at the present moment.

The methods of limitation proposed in Sub-Commission A, which, dealing as they do mainly with military aviation, fall outside the subject of this report, will not be gone into here. It will be sufficient to say that the Sub-Commission unanimously adopted the following recommendation:

"Sub-Commission A desires to bring to the notice of the Preparatory Commission, for its information, that it has had under consideration a further method of limitation, which envisages the limitation of civil as well as of military aircraft."

"Sub-Commission A was unanimously of opinion that civil aircraft might play a very important part in future warfare, but it considered that, since the primary rôle of civil aviation is economic, it was not qualified to pass an opinion on a question which had grave political and economic consequences."

"It places on record, however, the fact that it has not discussed this matter in detail, not because it did not consider it a most important one, but on account of its economic and political implications."

To which a number of delegations added the following conclusion:

"Sub-Commission A considers it desirable to suggest to the Preparatory Commission that this question might be considered by a Joint Economic and Military Committee."

This suggestion bore fruit, and Sub-Commission B, on which the economic experts sat, decided on February 7th, 1926, to call a committee of experts in civil aviation at Brussels.
The Committee met from February 7th to 12th, and, in the course of twelve meetings which it held, it made a thorough study of the questions submitted to it. The Committee was called upon:

1. To examine the economic consequences which would be entailed by the system of aggregate limitation of civil and military aeronautics contemplated by Sub-Commission A.

2. Proceeding on more general lines, to submit its observations and suggestions on the economic consequences of any method of limiting air armaments which would enable civil aeronautics to be taken into account.

The Committee began by recognising unanimously the principle that:

"In any limitation of air armaments it is essential to avoid hampering the development of civil aviation."

The Committee was further unanimous in holding that the aggregate limitation of civil and military aeronautics could not be effectively enforced without hampering the development of civil aviation, and consequently without unfortunate economic consequences. It was of opinion that the method of limiting military aviation, on the understanding that the obligation assumed would cease to bind the contracting parties in the event of civil aviation developing on such a scale as to exceed anticipations, was open to the same objections.

More generally, the Committee expressed its attitude as a whole in the following form:

"The Committee unanimously considers that the economic consequences of any methods of limiting air armaments which would make it possible to take into account civil aviation cannot be determined a priori. They will essentially depend on the manner in which civil aviation is taken into account.

"To sum up, the economic consequences will be less serious if the system adopted involves, on the part of the Governments, fewer undertakings likely to hamper civil aviation."

To the second question put to it, the Committee replied by the following important statement, which is the foundation of the greater part of subsequent work in this connection:

"The Committee unanimously recognised that civil aviation, when it has reached its full development, will be one of the most important means of bringing the peoples of the world nearer together. Distances will be reduced more and more, so that civil aviation, by enabling the different nations to maintain ever-closer mutual relations, will contribute largely towards the maintenance of good international relations and the preservation of world peace.

"It must further be recognised that hitherto the development of civil aviation in some countries has been closely bound up, as regards both technique and organisation, with the requirements and development of military aviation.

"It would therefore be desirable that every effort should be directed towards differentiating more and more clearly between civil and military aviation; in this way, civil machines will become capable of a maximum economic return and will become less and less useful for military purposes, and the activities of civil aviation can be developed in full freedom without being subordinated in any way to the military requirements of the different countries.

"The Committee therefore submits the following suggestions as being calculated to afford practical means of attaining the above-mentioned results:

1. It is desirable that the development of civil aviation should be directed solely towards economic ends, and should remain outside the sphere of military interests.

2. Civil aviation should be organised on autonomous lines, and every effort should be made to keep it separate from military aviation.

3. If States intervene in any capacity, whether directly or indirectly, wholly or partially, in civil aviation undertakings, it is desirable that the State organs dealing with the matter should be quite separate from the organs dealing with military aviation. The suggestions made below should apply to all civil aviation undertakings, whether private or State-owned.

4. It is desirable that Governments should refrain from prescribing the embodiment of military features in the build of civil aviation material, so that this material may be constructed for purely civil purposes, more particularly with a view to providing the greatest possible measure of security and the most economic return.

5. The Committee desires to point out that a note of warning should be sounded against contemplating any restriction of the construction of civil aircraft by the application of present-day aeronautical formulae, such as horse-power, ratio of loading per horse-power and ratio of wing areas per horse-power, etc., which, in the rapid developments taking place, would unquestionably lead to serious economic consequences.

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1. It should be noted that the Committee did not mean this proposal to apply to cases where the civil and military aviation services are united under a single Ministry; in such cases, it is even desirable for each of these two branches to be operated with complete autonomy.
6. As regards personnel and, in particular, pilots, it would be desirable that civil aviation undertakings of all kinds should not require such personnel to have received a military training or give preference to those who have received such training.

It is a fortiori desirable that these undertakings should not give their personnel such training as would be of use solely for military purposes.

It would also be desirable as far as possible to avoid seconding personnel from military to civil aviation for the purposes of the latter.

7. The Committee desires to point out the undesirable effects which may result from the direct or indirect encouragement by Governments of civil air transport lines for military rather than for economic or social purposes.

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

Thus, in the experts’ opinion, the solution of the problem should be sought, not by placing further restrictions on civil aviation, but, on the contrary, by removing the many obstacles which at present stand in the way of its development; not by hampering its progress, but, on the contrary, by facilitating it by means of closer co-operation between civil aviation in the different countries in such a way as to make the latter less exclusively national.

Point 8 of this resolution formed the subject of a fresh series of studies under the direction of the Communications and Transit Organisation, with regard to co-operation between civil aviation undertakings. This will be referred to presently. Mention should first be made of the action taken by the Preparatory Commission itself on the Committee’s suggestions.

The following proposals were submitted to the Preparatory Commission, at its meeting on April 4th, 1927, by M. de Brouckère, who had presided over the Brussels meetings:

1. If the High Contracting Parties intervene in any capacity, whether directly or indirectly, wholly or partially, in civil aviation undertakings, they agree that the State organs dealing with the matter shall be quite separate from the organs dealing with military aviation. The suggestion made below should apply to all civil aviation undertakings. It is agreed that this undertaking does not prevent the union of civil and military aviation under a single Ministry, provided that it contains two completely autonomous and separate branches.

2. The High Contracting Parties shall refrain from prescribing the embodiment of military features in the build of civil aviation material, so that this material may be constructed for purely civil purposes, more particularly with a view to providing the greatest possible measure of security and the most economic return.

3. The High Contracting Parties undertake not to require of civil aviation undertakings that they should employ only personnel specially trained for military purposes. They undertake to avoid seconding personnel from military to civil aviation.

4. The High Contracting Parties undertake not to subsidise civil air transport lines established for strategic and not for economic or social purposes.

5. The High Contracting Parties undertake to encourage as far as possible the conclusion of economic agreements between civil aviation undertakings in the different countries."

These proposals were adopted on first reading in an amended form.

They finally appeared in the preliminary draft submitted to the Conference in the following form:

"Article 28. — 1. The High Contracting Parties shall refrain from prescribing the embodiment of military features in the construction of civil aviation material, so that this material may be constructed for purely civil purposes, more particularly with a view to providing the greatest possible measure of security and the most economic return. No preparation shall be made in civil aircraft in time of peace for the installation of warlike armaments for the purpose of converting such aircraft into military aircraft.

2. The High Contracting Parties undertake not to require civil aviation enterprises to employ personnel specially trained for military purposes. They undertake to authorise only as a provisional and temporary measure the seconding of personnel to, and the employment of military aviation material in, civil aviation undertakings. Any such personnel or military material which may thus be employed in civil aviation of whatever nature shall be included in the limitation applicable to the High Contracting

The Committee’s conclusions had been submitted to it in a report of Sub-Commission B.
Party concerned in virtue of Part I, or Articles 25 and 26, of the present Convention, as the case may be.

"3. The High Contracting Parties undertake not to subsidise, directly or indirectly, air lines principally established for military purposes instead of being established for economic, administrative or social purposes.

"4. The High Contracting Parties undertake to encourage as far as possible the conclusion of economic agreements between civil aviation undertakings in the different countries and to confer together to this end."

The 1927 Assembly, it should be added, adopted a resolution requesting the Council "to instruct the Advisory and Technical Committee for Communications and Transit to consider practical methods likely to facilitate the conclusion of the agreements between aviation undertakings in the various countries which are referred to in this recommendation".

CHAPTER II. — WORK OF THE COMMUNICATIONS AND TRANSIT ORGANISATION AND OF THE AIR TRANSPORT CO-OPERATION COMMITTEE.

A. Communications and Transit Organisation.

The League of Nations is required under Article 23e of the Covenant to "make provision to secure and maintain freedom of communications and of transit and equitable treatment for the commerce of all Members of the League".

It undertakes this duty "subject to, and in accordance with, the provisions of international conventions existing or hereafter to be agreed upon".

In pursuance of its mission, the League of Nations set up in 1920 a Communications and Transit Organisation, which holds general and special Conferences, and has at its disposal an Advisory and Technical Committee and a permanent Secretariat provided by the Secretary-General of the League.

In view of the existence of the International Commission for Air Navigation, set up in virtue of a Convention signed before the establishment of the League of Nations itself and placed under its direction, the Transit Organisation, which keeps very closely in touch with aviation, has not created any permanent organ for the latter.

The Organisation has had to deal on various occasions at its Conferences with questions concerning both air communications and land or maritime communications, and also with certain purely aeronautical questions.

B. Air Transport Co-operation Committee.

After the passing by the 1927 Assembly of the resolution quoted textually above, the Committee for Communications and Transit referred the study of the question to an Air Transport Co-operation Committee.

Its terms of reference were defined as follows:

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

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

"The committee of enquiry thus constituted will also have to study the questions of international organisation in air navigation raised at the Third General Conference on Communications and Transit."

The Air Transport Co-operation Committee had before it a series of remarkable reports, prepared for its use at the request of the Chairman of the Advisory Committee, by which it was convened, by:

M. Henri Bouché, Editor of Aéronautique, Paris, on "Present Economic Conditions of Civil Air Navigation".

Brigadier-General P. R. C. Groves, C.B., C.M.G., D.S.O., R.A.F. (retired), London, on "The Relations between Civil and Military Aviation".

Dr. Hans Oppikofler, Professor of the Faculty of Law, Director of the Institute of Aerial Law, Königsberg, on "International Commercial Aviation and National Administration".

Dr. Salvatore Cacopardo, Chief of Section at the Italian Air Ministry, Rome, on "Principles of Public International Law applicable to Air Transports".
These four reports were collected in a single volume, published by the League of Nations (Communications and Transit, document C.339.M.139.1930. VIII, R.R.C.T.3). Its work is summed up in a report from which extracts of some length are given hereunder:

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

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

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

I. Relations between Civil and Military Aeronautics.

The Committee did not feel called upon to discuss the relations between civil and military aeronautics, a question within the province of the Disarmament Commission and the Disarmament Conference. The Committee considered that its duty lay solely in an investigation of the measures to be taken and the progress to be expected from a fuller international co-operation as a result of which civil air transport would be in a position to render to the community the economic services of which it is capable, and thus be freed as far as possible from all other preoccupations.

IV. Conditions for the Admission of Foreign Undertakings engaged in Regular International Transport.

The Committee noted that in the present state of public international law on air navigation, taking into account the most recent proposals for modifying existing conventions, the operation of regular lines was subject, as a rule, to the authorisation of the States whose territory is flown over, without any distinction being made in this connection between local traffic (cabotage), transport effected with loading or discharging of passengers or freight in the territory in question, transit with landing for supplies, or even transit without stoppage. No distinction is made between air transport involving land flights and air transport merely involving flights over the open sea and territorial waters and the utilisation of hydro-aerodromes.

The Committee accordingly adopted the following resolution:

"The Committee considers it desirable:

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

2. That henceforth:

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

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

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

V. Progress of International Co-operation in the Operation of Air Lines.

The Committee adopted the following resolution:

"Considering that the existing ‘pools’ system of co-operation between international aviation undertakings has developed satisfactorily,

The Committee:

1. Considers that the present state of legislation, and of economic and political conditions under which civil aeronautics are developing, makes it difficult to reach a more fully developed measure of co-operation;

2. Recommends the Governments and companies to extend and improve the present system by means of bilateral or multilateral agreements aimed to avoid unnecessary competition, increase the economic efficiency of the international air service and develop among the different undertakings a spirit of friendliness which will prepare the ground for closer co-operation."

VI. Possibility of studying a Special Statute applicable to Certain International Air Connections of General Interest.

The Committee adopted the following resolution:

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

A. Extensive and Systematic Employment of Combined Transport.

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

The Secretariat of the Committee is requested, after making all necessary enquiries, to submit to the next session of the Committee a report on the possibility of publishing a general time-table of rapid transport, every form of transport included.

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

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

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

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

C. Postal Air Transport.

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

1. To prepare a map of the air lines to be established between the capitals of the European countries and the points of importance to postal traffic in these countries. For this purpose, it will get into touch with the competent authorities in the different countries.
2. To indicate the necessary conditions for marking out air routes by night.
3. To propose suitable means for increasing the equipment required for ensuring traffic in foggy weather.
4. To draw up specifications of the performance and special qualities required of one or more types of aircraft to be utilised on these lines, taking into account the estimated freight and local topographical and meteorological conditions.
5. To study the question of the surtax.
6. To discuss with the postal services concerned the best methods for handing over mail to aircraft, the distribution of mail, etc.
7. To consider the form which international co-operation should take in the operation of the postal air service, and to study, if necessary, with the competent authorities of the different countries concerned the sections which might be operated by each.


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

In short, owing to the complexity of the subject, the Committee, being convinced that considerable time would be necessary for the satisfactory completion of such an extensive investigation, devoted itself to two points:

1. Drawing up a programme of work to be undertaken as occasion permitted;
2. Concentrating its activities on a small number of definite points in regard to which it seemed likely that practical results might be obtained within a short time.

As regards internationalisation, the Committee considered that, in the present state of legislation and of economic and political conditions, it was difficult to reach a more fully developed system of co-operation than the "pool" system, but it recommended the Governments and companies to make the fullest possible use of this system by increasing the number of agreements. It considered that by this means, not only would valuable economic results be obtained, but also that there would be developed among the different undertakings a spirit of friendliness which will prepare the ground for closer co-operation.
The Committee further considered that a special regime applicable to certain international air connections of general concern might forthwith be envisaged.

The Committee pointed out various cases in which closer co-operation and a better co-ordination of effort seemed specially necessary, and also comparatively easy of accomplishment, whilst not involving any far-reaching change in legislation or in international relations, and appointed a Sub-Committee to examine the precise steps by which the object in view might be attained.

C. Work of the Special Sub-Committee on the Constitution and Operation of a Main Network of Permanent Air Routes.

The Sub-Committee is composed as follows:

- M. Willy Fischer, Geheimer Regierungsrat at the German Ministry of Communications (Chairman).
- M. Emile Allard, Professor at Brussels and Liége Universities.
- M. T. K. Ångström, Civil Engineer, Member of the Swedish Civil Air Department.
- Lieut.-Colonel C. Filipowicz, Chief of the Civil Aeronautics Section of the Polish Ministry of Communications.
- M. Emmanuel Chaumé, Director of Mercantile Aviation at the French Air Ministry.
- M. M. Molfese, Chief of Civil Aviation at the Air Ministry of the Kingdom of Italy.
- Lieut.-Colonel F. C. Shelmerdine, Director of Civil Aviation at the Air Ministry of Great Britain.
- M. E. Th. de Veer, Director of the Netherlands Air Service.
- M. Henri Bouché, expert.

The Sub-Committee has worked actively and considered its scheme in great detail; but, as the latter is still highly confidential, no analysis of it can be given here.

CHAPTER III. — Publicity of Civil Aviation.

At its meeting on May 22nd, 1931, the Council of the League adopted the following resolution:

"The Council,

"Considering that the Preparatory Disarmament Commission in its report drew the Disarmament Conference's attention to the fact that, although the majority of this Commission adopted Article 37 of the draft Convention governing the publication of information in regard to civil aviation, certain delegations questioned whether the stipulation contained in this article would not be more in place in an international convention other than that on disarmament;

"Recognising that it is for the Disarmament Conference to take a decision on this subject;

"Being anxious to facilitate the Conference's task;

"Requests the Secretary-General:

"1. To arrange for the Communications and Transit Organisation to proceed to an enquiry among all the Governments invited to the Disarmament Conference and to a methodical study of the present situation concerning the publication of information on civil aviation, whether as regards national regulations, multilateral conventions or special obligations.

"2. To prepare on this basis for the use of the Conference a collection of all the provisions in force relating to the exchange or publication of information regarding non-military aviation.

"With a view to enabling the Secretariat of the Communications and Transit Organisation to proceed with the methodical study for which the above resolution provides, the Secretary-General of the League requests the ... Government to be good enough, before December 1st next:

"1. To communicate to him the text of the national provisions or rules, multilateral conventions or special obligations relating to publicity of civil aviation in force in so far as the ... Government is concerned; and

"2. To inform him whether, in the light of the provisions in force, the ... Government would be in a position, if necessary, regularly to supply the whole or part of the information contained in the annexes to the present circular."
As a result of the above resolution, the Transit Organisation, on the basis largely of replies from the various Governments to a questionnaire which it had addressed to them, prepared an important study which appeared on January 16th of the current year, document C.95.M.47.1932.VIII (Conf.D.53) and Addenda.

This publication being very recent and complete, it will be sufficient to refer the reader to it.

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List of Proposals made by the Various Delegations in the Course of the General Discussion on the Subject of the Internationalisation or Supervision of Civil Aviation.

The proposals referred to in No. 1 of the resolution adopted by the Air Commission on March 17th are the following:

1. Internationalisation of civil air transport under a regime to be organised by the League. (France, document Conf.D.99, page 23, section 1.)
   Memorandum relating to the French delegation's proposals on the internationalisation of civil air transport. (France, document Conf.D.115.)


   Memorandum on the Swedish delegation's proposals regarding the internationalisation of civil aviation. (Sweden, document Conf.D./C.A.10.)

4. Greatest possible publicity and technical and administrative supervision of civil aviation. Obligation not to vary materially the proportional ratios to be fixed. (Italy, document Conf.D.106.)

5. Civil aviation to be under international control. (Switzerland, document Conf.D.99, page 50, section 4.)

6. All arming of civil aircraft and all fittings enabling them to be so armed or to be utilised for war to be prohibited. (Germany, document Conf.D.99, page 31, section 19; U.S.S.R., document Conf.D.99, page 45, Article 25.)

7. The dropping of bombs or any other objects or materials serving military purposes from aircraft, as well as all preparations to this effect, to be forbidden without any exception. (Germany, document Conf.D.99, page 31, III.)

8. Any instruction and training of any person in aviation having a military character or any military purpose to be prohibited. Any instruction or activity of the members of the army or navy in civil aviation to be prohibited. (Germany, document Conf.D.99, page 31, section 19.)

9. The construction, maintenance, importation or putting into commission of aircraft which is in any way armoured or protected or supplied with devices for the reception of warlike armaments of any kind such as guns, machine-guns, torpedoes, bombs, or which are supplied with gun-sights or devices for the dropping of bombs, to be prohibited. (Germany, document Conf.D.99, page 31, section 19.)

10. Limitation of every expenditure, subsidy or loan included in the budget and intended for the purchase and upkeep of civil aviation material. (Sweden, document Conf.D.110.)


12. The maintenance of any relations between the military or naval administration and civil aviation for any military purpose to be prohibited. (Germany, document Conf.D.99, page 32, section 19.)

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1 See in this connection document C.95.M.47.1932.VII. (Conf.D.53) and Addenda.