LEAGUE OF NATIONS

COMMUNICATIONS AFFECTING THE WORKING OF THE LEAGUE OF NATIONS AT TIMES OF EMERGENCY: FACILITIES TO BE GRANTED TO AIRCRAFT.

REPORT OF THE THIRD COMMITTEE TO THE ASSEMBLY.

Rapporteur: M. René Cassin (France).

I. The Assembly referred to the Third Committee that part of the General Report and Supplementary Report on the work of the League since the last session of the Assembly which deals with disarmament problems.

Among the questions treated are those connected with the means available to the League to discharge its functions at all times, and more particularly the proposals made in 1926 by the French delegation to ensure the independence and security of the League's communications at times of emergency.

One aspect of this problem—the question of the wireless station—has been the subject of a special debate and a separate report to the Assembly.

The present report concerns the question of facilities to be granted to aircraft used to ensure aerial communications of importance to the working of the League, and especially to convey delegations to the League or their correspondence and League officials or League correspondence.

II. The International Commission for Air Navigation, before which this question was laid by the Advisory and Technical Committee for Communications and Transit, adopted at its last session texts to be inserted in the International Convention on Air Navigation of October 13th, 1919, defining the special legal status of aircraft employed to secure aerial communications of importance to the working of the League of Nations. The Commission will again meet towards the end of the year to complete these texts and conclude its work, more particularly on the question of facilities to be granted at times of emergency.

The Third Committee, having not yet had before it any definite conclusions from these protracted enquiries, has not been called on to decide on the essential points of these questions, which are of great importance as regards the legal relations between the League of Nations and countries whose territory would have to be flown over by aircraft ensuring communications of importance to the League. There is no question of taking incidental decisions with regard to the suggestions that have recently been made for the creation of an air fleet, or with regard to possible arrangements for supervision or identification, etc., etc.

In view, however, of the time that has already been devoted to this problem by the International Commission for Air Navigation, and having regard to the resolution of September 26th, 1927, in which the Assembly emphatically stated "that it was the duty of States Members of the League to facilitate by all means in their power the meeting of the Council in case of emergency", it may be well to recall the general terms of the problem and press for an early solution.

III. The Assembly will be most anxious to lay down the method to be followed to prevent these matters remaining indefinitely under consideration.

On the proposal of the German, French and Japanese delegates, it was decided to propose to the Assembly the procedure that should be followed to allow of a prompt and full examination of the proposals of the International Air Navigation Commission.

In the first place, the Council is requested, as soon as the Commission has terminated its work, to cause to be studied the measures necessary to ensure that aircraft engaged in transport of importance to the working of the League may be free in times of emergency to fly in such a way and over such territory as may be necessary for the carrying out of their mission.
It will submit the results of this enquiry to the various Governments and, if necessary, will at the same time inform the Committee on Arbitration and Security.

As, moreover, it is necessary from the point of view of the freedom and security of aircraft flying over States to ensure communications of importance to the League of Nations in times of emergency that as little as possible shall be left to chance and unilateral decisions, and that each authority concerned shall be aware of its obligations, it would be desirable for the Secretary-General and the various Governments to agree beforehand as to the rules to be observed and the normal route to be followed by aircraft.

These definite rules, known beforehand, would facilitate the mission to be carried out in the joint service of the League and the various countries. It would avoid errors and disappointments. A certain elasticity might be ensured by making provisions for departures from established rules and routes for the aircraft, or, if necessary, and in urgent cases, in the form of special arrangements to be concluded between the Secretariat and some particular Government.

Consequently, the Tenth Assembly, being desirous of improving the machinery of the League of Nations and of ensuring its communications of every kind with every nation, is invited to adopt the following resolution:

"The Assembly has noted the work undertaken by the International Air Navigation Commission with regard to the juridical status of aircraft utilised to ensure air communications of importance to the working of the League of Nations, and the facilities to be granted to these aircraft.

"It trusts that this work will be completed as soon as possible, in order that the results may be submitted for the examination of Governments.

"The Assembly accordingly requests the Council, as soon as the work of the Air Navigation Commission is finished, to have a study made, possibly by the Committee on Arbitration and Security, of the requisite measures to ensure that aircraft engaged in transport of importance to the working of the League of Nations may be free in times of emergency to fly in such a way and over such territory as may be necessary for the carrying out of their mission, the Secretariat and the Governments having come to an agreement beforehand as to the rules to be observed and the normal routes to be followed, and as to any departures therefrom."