

INTERIM AGREEMENT ON INTERNATIONAL CIVIL AVIATION

Note: The Philippines was an original signatory to this Convention. It was concurred in by the Senate S.R. No. 15, September 5, 1946. The Philippine instrument of ratification was deposited with the U.S. Government on March 23, 1946. It entered into force, June 6, 1945 and with respect to the Philippines, March 22, 1946. It ceased to be in force on April 4, 1947 when the permanent Convention entered into force (see No. 3),

Reference: This convention is also published in I DFA TS No. 3, p. 16, and 171 UNTS, p. 345.

The undersigned, on behalf of their respective governments, agree to the following:

ARTICLE I

THE PROVISIONAL ORGANIZATION

SECTION 1

The signatory States hereby establish a provisional international organization of a technical and advisory nature of sovereign States for the purpose of collaboration in the field of international civil aviation. The organization shall be known as the Provisional International Civil Aviation Organization.

SECTION 2

The Organization shall consist of an Interim Assembly and an Interim Council, and it shall have its seat in Canada.

SECTION 3

The Organization is established for an interim period which shall last until a new permanent convention on international civil aviation shall have come into force or another conference on international civil aviation shall have agreed upon other arrangements: provided, however, that the interim period shall in no event exceed three years from the coming into force of the present Agreement.

SECTION 4

The Organization shall enjoy in the territory of each member State such legal capacity as may be necessary for the performance of its functions. Full juridical personality shall be granted wherever compatible with the constitution and laws of the State concerned.

ARTICLE II

THE INTERIM ASSEMBLY

SECTION 1

The Assembly shall meet annually and shall be convened, by the Council at a suitable time and place. Extraordinary meetings of the Assembly may be held at any time upon call of the Council or at the request of any ten member States of the Organization addressed to the Secretary General.

All member States shall have equal right to be represented at the meetings of the Assembly and each member State shall be entitled to one vote. Delegates representing member States may be assisted by technical advisers who may participate in the meetings but shall have no vote.

A majority of the member States is required to constitute a quorum for the meetings of the Assembly. Unless otherwise provided herein, voting of the Assembly shall be by a simple majority of the member States present. Section 2 The powers and duties of the Assembly shall be to:

1. Elect at each meeting its President and other officers.
2. Elect the member States to be represented on the Council, as provided in Article III, Section 1.
3. Examine, and take appropriate action upon, the reports of the Council and decide upon any matter referred to it by the Council.
4. Determine its own rules of procedure and establish such subsidiary commissions and committees as may be necessary or advisable.
5. Approve an annual budget and determine the financial arrangements of the Organization.
6. At its discretion, refer to the Council any specific matter for its consideration and report.
7. Delegate to the Council all the powers and authority that may be considered necessary or advisable for the discharge of the duties of the Organization. Such delegations of authority may be revoked or modified at any time by the Assembly.
8. Deal with any matter within the sphere of action of the Organization not specifically assigned to the Council.

ARTICLE III

THE INTERIM COUNCIL

SECTION 1

The Council shall be composed of not more than 21 member States elected by the Assembly for a period of two years. In electing the members of the Council, the Assembly shall give adequate representation (1) to those member States of chief importance in air transport, (2) to those member States not otherwise included which make the largest contribution to the provision of facilities for inter-national civil air navigation, and (3) to those member States not otherwise included whose election will insure that all major geographical areas of the world are represented. Any vacancy on the Council shall be filled by the Assembly at its next meeting. Any member State of the Council so elected shall hold office for the remainder of its predecessor's term of office.

SECTION 2

No representative of a member State on the Council shall be actively associated with the operation of an international air service or financially interested in such a service.

SECTION 3

The Council shall elect, and determine the emoluments of a President, for a term not to exceed the interim period. The President shall have no vote. The Council shall also elect from among its members one or more Vice Presidents, who shall retain their right to vote when serving as Acting President. The President need not be selected from the members of the Council but if a member is elected, his seat shall be deemed vacant and it shall be filled by the State which he represented. The President shall convene, and preside at, the meetings of the Council; he shall act as the Council's representative; and he shall carry out such functions on behalf of the Council as may be assigned to him.

Decisions by the Council will be deemed valid only when approved by a majority of all the members of the Council.

SECTION 4

Any member State not a member of the Council may participate in the deliberations of the Council whenever any decision is to be taken which especially concerns such member State. Such member State, however, shall not have the right to vote; provided that, in any case in which there is a dispute between one or more member States who are not members of the Council and one or more member States who are members of the Council, any State within the second category which is a party to the dispute shall have no right to vote on that dispute.

SECTION 5

The powers and duties of the Council shall be to:

1. Carry out the directives of the Assembly.
2. Determine its own organization and rules of procedure.
3. Determine the method of appointment, emoluments, and conditions of service of the employees of the Organization.
4. Appoint a Secretary General.
5. Provide for the establishment of any subsidiary working groups which may be considered desirable, among which there shall be the following interim committees:
 - a. A Committee on Air Transport,
 - b. A Committee on Air Navigation, and
 - c. A Committee on International Convention on Civil Aviation.

If a member State so desires, it shall have the right to appoint a representative on any such interim committee or working group.

6. Prepare and submit to the Assembly budget estimates of the Organization, and statements of accounts of all receipts and expenditures and to authorize its own expenditures.
7. 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.

SECTION 6

In addition to the powers and authority which the Assembly may delegate to it, the functions of the Council shall be to:

1. Maintain liaison with the member States of the Organization, calling upon them for such pertinent data and information as may be required in giving consideration to recommendations made by them.
2. Receive, register, and hold open to inspection by member States all existing contracts and agreements relating to routes, services, landing rights, airport facilities, or other international air matters to which any member State or any airline of a member State is a party.
3. Supervise and coordinate the work of:
 - a. The Committee on Air Transport, whose functions shall be to:
 - (1) Observe, correlate, and continuously report upon the facts concerning the origin and volume of international air traffic and the relation of such traffic, or the demand therefor, to the facilities actually provided.
 - (2) Request, collect, analyze and report on information with respect to subsidies, tariffs, and costs of operation.
 - (3) Study any matters affecting the organization and operation of international air services, including the international ownership and operation of international trunk lines.
 - (4) Study and report with recommendations to the Assembly as soon as practicable on the matters on which it has not been possible to reach agreement among the nations represented at the International Civil Aviation Conference, convened in Chicago, November 1, 1944, in particular the matters comprehended within the headings of Articles II, X, XI, and XII of Conference Document 422, together with Conference Documents 384, 385, 400, 407, and 429, and all other documentation relating thereto.

b. The Committee on Air Navigation, whose functions shall be to:

(1) Study, interpret and advise on standards and procedures with respect to communications systems and air navigation aids, including ground marks; rules of the air and air traffic control practices; standards governing the licensing of operating and mechanical personnel; airworthiness of aircraft; registration and identification of aircraft; meteorological protection of international aeronautics; log books and manifests; aeronautical maps and charts; airports; customs, immigration, and quarantine procedure; accident investigation, including search and salvage; and the further unification of numbering and systems of dimensioning and specification of dimensions used in connection with international air navigation.

(2) Recommend the adoption, and take all possible steps to secure the application, of minimum requirements and standard procedures with respect to the subjects in the preceding paragraph.

(3) Continue the preparation of technical documents, in accordance with the recommendations of the International Civil Aviation Conference approved at Chicago on December 7, 1944, and with the resulting suggestions of the member States, for attachment to the Convention on International Civil Aviation, signed at Chicago on December 7, 1944.

c. The Committee on International Convention on Civil Aviation, whose functions shall be to continue the study of an international convention on civil aviation.

4. Receive and consider the reports of the committees and working groups.

5. Transmit to each member State the reports of these committees and working groups and the findings of the Council thereon.

6. Make recommendations with respect to technical matters to the member States of the Assembly individually or collectively.

7. Submit an annual report to the Assembly.

8. When expressly requested by all the parties concerned, act as an arbitral body on any differences arising among member States relating to international civil aviation matters which may be submitted to it. The Council may render an advisory report or, if the parties concerned so expressly decide, they may obligate themselves in advance to accept the decision of the Council. The procedure to govern the arbitral proceedings