

Editorial

50 Years Chicago Convention

The Board of Editors of *Air & Space Law* are proud to be able to offer you this special issue of our magazine on the occasion of the 50th anniversary of the conclusion of the Chicago Convention of 1944 and the second world-wide ICAO Conference to be held in Montreal from 23 November till 6 December 1994.

The airline industry is facing difficult times and the world is discussing the present and future of the civil aviation regime, and the possible use of satellites for air navigation purposes.

The infra-structure of air transport, airports and air traffic control, safety and security, also on the ground, and the environment, today deserve primary interest in the light of the explosion of traffic as a result of the greater freedom enjoyed by the air carriers and the competition between them.

The next century is fastly approaching and major changes of the international air transportation picture have to be anticipated for timely regulation or de-regulation.

The development in the world toward regionalism, which also leads to regional air transport regulation, must be integrated within the global structure of the air services network to avoid the forming of protectionist blocks of States playing an inter-regional power game.

Cross-border privatization, ever closer inter-carrier co-operation and multi-nationalization of the airline industry on the one hand and the increasing participation of non-governmental entities in outer space activities on the other, reduce the need for an active role of governments in the economic field.

Governments should refrain from intervening in fields of economic activity and leave that aspect of the air transport activity to the maximum extent possible for private enterprise to cultivate. The commercial deployment of economic activities in aviation and space applications will best answer public demand under free and fair competitive conditions.

Governments shall remain responsible for Air Traffic Control and infra-structural adjustments, while they do also retain the primary responsibility for safety and security and the environment.

It should be welcomed that the regulation of world civil aviation will be extended to include space applications and activities, first of all for air navigational purposes, but progressively and eventually also for transportation by 'aero-space plane' to/from and via outer space.

The GATT/S-Uruguay round (1986-1994) has now been successfully concluded and a World Trade Organisation (WTO) will be responsible in future as from the first of January 1995 for the gradual liberalization of world trade in goods and services, while governments become ever more active to arrive at free international movement of persons, goods, capital and services.

There is not yet a World *Space* Organization, but to the extent that an increasingly peaceful co-existence of sovereign States takes shape and is achieved in practice, such organization will come ever nearer to reality as it will operate to the benefit of all countries.

Man has always been generous in allowing freedom to everybody when it concerns the exploration of new territory.

This was the case with the development of aviation and it was the case with the early development of space activities. Only when exploitation of the resources of the new territory begins, the need does arise to agree upon an equitable division of the benefits between the individual States: To each his own.

But to determine a 'legitimate' share for each State is a most difficult task, unless they all are prepared to serve the long-term common interest of man, taking account of the existence of different ethnic groups and peoples, in preference to short-term individual interests.

While international air transport used to be a rather elitist facility for the rich to use and the initiated to control, the aviation policies of States being geared to promoting the interests of the national airline industry, today air transport has become a normal economic activity for use by everybody, indispensable to economic growth and international understanding, the States' air policies being dictated by the requirements of the general interest and regional interests, travel and

tourism, be it subject to the limitations imposed by the concern for employment and the wish to pursue social well-being.

Environmental restraints are understandable, but the liberalization of the regulatory framework of civil aviation and the progressive privatization of the air carrier industry should not be a reason for the authorities to treat the industry and international air travel and shipment of goods as a nuisance and therefore as another milch-cow to raise money.

International air transport and the financial health of the industry is a common interest of States and States must recognize the special position of the airlines, not using that special position to impose all kinds of charges, fees and taxes. On the other hand, for the sake of fair competition under liberal regulatory conditions, State-aid to national air carriers should be discouraged.

Mass transportation by air at low fares and rates is the future. Four-engined, three-engined and two-engined wide-bodied aircraft with a capacity of 400-600 seats and a 7/8000 mile range

will ply the skies over long distances at speeds close to Mach 1.

Regional networks with smaller aircraft will cater to the short distance travel needs and feed the long-distance services at hub airports (main-ports). Supersonic aircraft of big capacity will succeed the Concorde at a later date. Door-to-door express mail, small parcels and cargo delivery will become the everyday mode of transportation of goods world-wide. Commercial transportation and travel to outer space, space stations and other planets, should not be laughed away either. All in all an exciting future.

We are thankful for the contributions to this issue, which come from air law and space law specialists who are experts in their fields and keep abreast of the latest developments.

We trust that the articles in this issue will give the reader more insight in the problems and more knowledge to help solve these problems.

Henri A. Wassenbergh