

THE ARAB CIVIL AVIATION COUNCIL

ACAC

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TO THE MEMORY
OF MY FATHER

ABSTRACT

This thesis analyses all aspects of the Arab Civil Aviation Council (ACAC). After reviewing the history and culture of the Arab people and the geographical features of the Arab countries, an analysis is made of the development of ACAC and its constitutional structure, the organs of ACAC and the policies and functions of these organs. The legal status of ACAC is described and its relationship with other international organizations is described. An evaluation is made of its accomplishments in the light of the functions and policies.

RÉSUMÉ

Cette thèse se penche sur tous les aspects du Conseil arabe de l'aviation civile (CAAC). Après avoir jeté un coup d'oeil sur l'histoire et la culture du peuple arabe ainsi que les conditions géographiques spécifiques à cette région, une étude du développement de la CAAC, ainsi que de sa structure interne est proposée; les organes de cette organisation et leurs fonctions sont aussi analysés. Une description du régime juridique de la CAAC ainsi que ses relations avec les autres organisations internationales est offerte. Il sera alors possible d'évaluer les résultats obtenus à la lumière des fonctions et des buts de cette organisation.

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TABLE OF ABBREVIATIONS

AACO	Arab Air Carriers Organization
ACAC	Arab Civil Aviation Council
ACTS	Airlines Computerized Baggage Tracing System
A.D.	<u>Anno Domini</u>
AFCAC	African Civil Aviation Commission
ALECSO	Arab League Educational, Cultural and Scientific Organization
B.C.	Before Christ
ECAC	European Civil Aviation Conference
IATA	International Air Transport Association
ICAO	International Civil Aviation Organization
LACAC	Latin-American Civil Aviation Commission
MEA	Middle East Airline
OPEC	Organization of Petroleum Exporting Countries
SAS	Scandinavian Airlines System
UAA	United Arab Airlines
UNESCO	United Nations Education, Scientific and Cultural Organization
UNO	United Nations Organization

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INTRODUCTION

At the beginning of the Twentieth Century, Man perfected the flying machine as a "means of flying in the air", and civil aviation has made it possible to cross jungles, mountains and deserts.

Now we have supersonic aircraft flying at speeds of fifteen hundred to two thousand miles an hour. Civil aviation has helped human needs in transportation by covering long distances at high speed. It also plays a very important role in current international programmes, especially in assistance to underdeveloped countries. Aviation is an instrument of peace and should be used for the furtherance of peace and good will, but at the same time, it can be used as an instrument of war and destruction. Aviation for peace must be the slogan of the International Civil Aviation Organization (ICAO).

ICAO has been charged with the responsibility of maintaining the orderly and equitable development of international civil aviation and the mission of bringing about a world-wide pattern of cooperation in the technical, economic and legal fields of international civil aviation. As we know, prior to the Chicago Convention of 1944, there were three conventions dealing with the regulation of international civil aviation: the Paris Convention of 1919, the

Madrid Convention of 1926 and the Havana Convention of 1928.

The success of ICAO, like any other international organization of sovereign states, depends upon the fulfillment, by individual member states, of their international commitments. Every member state should follow the recommendations of ICAO. However, no one state by itself can make its civil aviation completely safe, regular or economical. This can only be done provided all states work together as good neighbours, irrespective of their political differences.

It is interesting to note that ICAO has played a decisive part in the accomplishment of its primary goals: to satisfy the world-wide need for safe, regular, efficient, and economical air transport; to promote safety of flight in international air navigation; and to generally promote the development of all aspects of international civil aeronautics.

The number of regional international organizations has increased rapidly since the birth of ICAO in 1944. However, this reflects the fact that ICAO was not so successful in the economic and commercial aspects of civil aviation which raised too many controversies and differences between states. On the other hand, the economic problems do exist in air transport today the world over, namely problems

related to airline capacity regulation, regulation of non-scheduled operations, tariff enforcement, high operating costs, and passenger and cargo rates. Also other issues remain, such as questions of airline cooperation, facilitation in international air transport, the economic problems of many international airports and air transport planning. A solution to these problems requires efforts of cooperation and coordination within regional international organizations whose successes resulted in their spread throughout the world. An effective regional air transport system will also require uniform regulations and a strong regional organization. The aforesaid problems indicate that the regional international organization can make significant contributions to the economic and orderly development of air transport in any region world-wide.

Regional organizations of states have been established during the past two decades as a means of coping with regional international problems. Aviation has not been an exception.

In addition to the European Civil Aviation Conference (ECAC) which was established in 1954, the African states have indicated their desire to set up a regional commission for civil aviation, the African Civil Aviation Commission (AFCAC) which was established in 1969, as well as the Latin-American Civil Aviation Commission (LACAC). Also

in 1967, the Arab countries established a regional organization in the field of civil aviation, the Arab Civil Aviation Council (ACAC). Moreover, the Assembly of ICAO, recognizing the importance of these regional bodies as well as the essential need to keep them within the reach of ICAO so that their activities develop in harmony with the general policies of the Organization, has instructed the Council to render support and assistance to such regional undertakings. This is being done by the Secretariat and in the future, much of ICAO's work in the economic field will be directed towards regional problems, thereby ensuring world-wide co-ordination as a means of decreasing inter-regional conflicts.

The establishment of the Arab Civil Aviation Council, a regional organization between Arab countries in 1967, will help to accelerate the execution of common Arab projects in the field of civil aviation.

CHAPTER I
THE HISTORY OF THE ARAB PEOPLE

A. Historical Survey

The Arab world stretches from the Indian Ocean to the Atlantic Ocean and extends along the eastern and southern shores of the Mediterranean Sea. This area has an incomparably rich and long history.¹

The earliest civilizations of Mesopotamia and Egypt arose on the banks of their great rivers, the Tigris, the Euphrates and the Nile. Great empires rose and fell on the region's plains and deserts. The Egyptians developed the first organized state; they built great pyramids and impressive temples.² Their armies and traders penetrated deep into Africa and Asia.

The Phoenicians carried on a brisk trade from the cities on the Lebanese Coast all over the Mediterranean and beyond into Britain, and possibly across the Atlantic Ocean

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1. Berque, Jacques, Arab Rebirth Pain and Ecstasy, Paris, 1979, p. 1.
 2. Jawhari, Yusri, Al-Watan-Al-Arabi, Alexandria, 1979, p. 13.

into the New World.³ Their colonies spread along the coast of North Africa, and Carthage became a mistress of trade and challenge to Rome. The Babylonians carried their great achievements in mathematics, astronomy and law far beyond their borders. The Aramaeans dominated the trade routes to the East all the way into the heart of Asia, and Aramaic became the lingua franca of the Near East until Arabic displaced it. The Assyrians created a large empire and a powerful military society.

Ideas, institutions, trends and goods were profusely produced in this area and their distribution covered the whole world. Writing and the alphabet, mathematical concepts and notations, trade, justice, education and especially religions were born in the Arab world;⁴ they grew to maturity and made profound contributions to civilization.

From the third century B.C. to the establishment of the Arab-Islamic Empire in the seventh century A.D. - a period of almost a thousand years - most of the Arab world was under European rule.⁵ The great empire builders, with all their desires for more territory, left the Arabia

3. Allush, Naji, Al-Watan-Al-Arbi, Beirut, 1986, p. 132.

4. See supra, note 2, p. 32.

5. Ibid., p. 108, 109.

Peninsula unconquered and undominated. Poverty of resources and an expansive desert kept them away.

The Arabs refer to their Peninsula as the Island of the Arabs.

However, its isolation from the rest of the Near Eastern political systems did not mean that it was not exposed to cultural and religious contacts. Yemen, referred to by the Romans as Arabia Felix in contrast with the rest of Arabia (Arabia Desert), was in close contact with Africa, especially Ethiopia. Flourishing states were established in this mountainous part of Arabia as early as the second Millennium B.C.

The trade routes from Africa, India and China passed through Yemen. It was a starting point for caravans to Syria and Egypt and their Mediterranean parts.⁶ This caravan route passed through two towns in Arabia, namely Mecca and Yathrib then (later named Medina) which served as trade stations on the long journey. Mecca was also a religious center for the Arabian tribes.

To the North, two great empires, the Byzantine and the Persian Sassanid, were as close as Syria and Iraq. To the South, the Ethiopians were trying to spread their rule to Yemen and once had approached as far as Mecca

6. Ibid., p. 35.

itself.⁷

The Arabian tribes were divided, poor, weak and hemmed in on all sides by mighty states with long traditions and large armies. All the odds were against what was about to happen: an Arabian Union, a new religion and a successful conquest. That this did happen was nothing short of a miracle. In the seventh century, the "prophet Mohammed" promised them glory and dominion and for centuries they found it.⁸ The prophet Mohammed gave the Arabs a new Islamic community permeated by a great sense of pride and purpose.⁹ His successors scored the name Arab Empire.

The religion of Islam burst into world history at the same time that the Arabian population, united under its banners, acquired an extensive empire.

This commonalty of origin and, to a certain extent, of purpose caused the confusion between the two institutions: the religion and the empire. While there is good reason for this confusion, the history of Islam and of the

7. Ibid., p. 110.

8. The prophet Mohammed, born in Mecca about the year 570 A.D., gave his message of the worship of one God, of community solidarity, and of simple and strict morality.

9. Hodgson, M., The Venture of Islam, University of Chicago, 1974, p. 75.

Empire shows that the two diverged.

As a religion, Islam shows a tremendous adaptive power and a universal appeal. People of different races, colors, languages, and geographic locations are its adherents: Arab, Kurds, Berbers, Persians, Mongols, Indonesians, Indians, Philipinoes, Nigerians and others.¹⁰ On the other hand, the Empire, despite its variety of races and languages, kept its Arab character in many ways, especially in its ruling elite and language.

It is pleasant to note that in making of the Arab world, three fundamental common denominators stand out: a historical process, a religious-cultural tradition and a language.¹¹

The outstanding landmark in the historical process was the beginning of the Arab Empire in the seventh century A.D. under the Caliphs "successors for the prophet Mohammed". Residing first in Medina and later in Damascus, Baghdad and Cairo, the Arab moved out of Arabia and established an Empire, which, only a century after the prophet Mohammed, reached an extent greater than that achieved by the Roman Empire during the latter's maximum

10. Kimball, John C., The Arabs, Washington, 1983, p. 43.

11. See supra, note 3, p. 149-151.

expansion.¹² From France and Spain in the West, across North Africa and Southwest Asia and extending all the way to within the borders of China and India, the armies of Arabia, under the banner of Islam, established a new political system, a new society and a new civilization.

The area covered by this empire comprises most of the Arab world. Only Somalia, Sudan and parts of Mauritania, now part of Arabic society, remained outside the reach of the early empire builders.

The emergence of today's Arab world was brought about not only by the factor of expansion, but by a cultural factor as well.¹³ The founders of the Arab Empire were inspired by a faith, a system of ethics and a legal code. These elements, which made that venture successful, were integrated by Islam, the religion which Mohammed preached in Mecca and Medina.¹⁴ While the present day Arab world has its historical roots in the Empire of the seventh and eighth centuries, that Empire could not have been built independently of Islam.¹⁵ Yet the territorial extent of Islam

12. Awad Mahmoud, M., A Challenge to the Arabs, Pageant Press, New York, 1954, p. 20.

13. See supra, note 3, p. 150.

14. See supra, note 12, p. 18.

15. Ibid., p. 18, 19.

transcends that of the Arab world. For while it is true that the birth and growth of early Islam coincides with the birth and growth of the Arab Empire, the courses of the two were not identical. When the Empire became weaker, Islam was still growing.¹⁶

From Morocco to Indonesia, Islam is reemerging as a political and religious force that can not be ignored.

World wide, more than 800 million people now embrace Islam - one sixth of all humanity! Islam is the world's fastest growing religion.

Contrary to stereotype, the majority of Muslims are not Arabs. Non-Arab Muslims outnumber Arab Muslims by almost five to one.

Moreover, Muslims live in great numbers in a band of nations stretching from West Africa to Southeast Asia.¹⁷

Throughout this strategic Muslim crescent, a resurgence of Islamic fundamentalism seeks to reinstate original Islamic purity - to bring Muslims back to al-Sirat-al-Mustagim, "the straight path". The ultimate goal of Islamic conservatives is a reinvigorated Islam united under the fundamentalist banner, with a more powerful voice in

16. See supra, note 2, p. 33-35.

17. See supra, note 10, p. 43.

world affairs. The cultural traditions that bind the Arab world are deeply rooted in Islam, just as western civilization owes so much of its content to Christianity. But in both cases, the distinction between faith and culture has to be maintained.¹⁸

The Arabic language was a most important factor in the consolidation of the Arab Empire and in the development of an Arab-Islamic civilization. As the language of revelation in Islam and as the cultural vehicle of the Arab, it played an important role in providing continuity for an Arab identity through history. Soon after the conquest, Arabic became the lingua franca of millions of people living between the Atlantic coast and the Chinese borderlands and the most important vehicle of culture in the Middle Ages. More works in various fields of knowledge - science, humanities, literature - were written in Arabic between the ninth and twelfth centuries than in any other language.¹⁹

Arabic words found their way into most European, Asian and African languages.²⁰ Yet their products and their achievements can not be separated from the cultural

18. See supra, note 9, p. 71.

19. Hiskett and Awad, The Story of the Arabs, Longmans Green and Co., London, 1957, p. 122.

20. See supra, note 10, p. 23.

background in Islam, or the institutions of the Caliphate. The Arabic language remains the most important determinant of the terms Arab and Arab world. While the Caliphate has its course in history, and Islam as a universal religion belongs to a multitude of peoples, the Arabic language and its literary, scientific and philosophical treasures remain the binding force among peoples from Morocco to Iraq and the basic heritage of the Arab world.²¹

Moreover, the Arab world is quite clearly the bridge between three continents; the crossroads between Asia, Africa and Europe.²²

This position is not based only on the region's geography but on its historical, cultural, and today political and economic significance.

This world therefore was the area of so many conflicts, the passageway of so many migrations of peoples, the birthplace of three great monotheistic religions (Islam, Christianity and Judaism).²³

21. See supra, note 10, p. 20-23.

22. See supra, note 3, p. 132.

23. See supra, note 2, p. 32.

B. The Geography of the Arab World

The Arab World stretches from the Atlantic Coast of Northern Africa in the West to beyond the Arabian Gulf in the East, a distance of some 5,000 miles. Its area is about 14 million square kilometres, half as large as that of the United States.²⁴

The Arab population consisting of twenty-two states numbers close to 200 million people, and is expected to reach 300 million people by the year 2000.²⁵ In terms of area, most of the Arab world is sparsely populated desert.²⁶ The relatively small areas of well-watered highland and river valleys have high population densities. The Arab world is dominated by dry conditions; even places which may be classified as humid rather than arid have a water supply problem at some time during the year. Much of the region is dominated by what is known as subtropical high pressure. This high pressure is generally found 20° to 30° of latitude north and south of the equator on eastern sides of ocean basins, thus affecting the western sides of

24. See supra, note 3, p. 127.

25. Ibid., p. 144.

26. Ibrahim Saad Eddin, The New Arab Social Order, Westview Press, Boulder, Colorado, Croom Helm, London, England, 1982, p. 5.

continents. High pressure means descending and diverging air.

Since in order for rain to come down, air must go up, high pressure areas have a very low possibility of rain. These prevailing pressure conditions are the main cause of deserts in most parts of the Arab world.

The northern part of the Arab world reaches to southern fringes of the area affected by a mid-latitude low pressure system. In the Arab world, these conditions are experienced, if at all, only in winter when the global pressure and wind patterns shift southwards because of the southward movement of the sun's vertical rays. The result is a wet winter and a dry summer.²⁷ This type of seasonal precipitation pattern is known as the Mediterranean type of climate and is found in such northern parts of the Arab world as northern Morocco, Tunisia and Algeria and in the eastern Mediterranean borderland.²⁸ Beyond the eastern Mediterranean, low pressure systems reach southeastwards in the Tigris-Euphrates lowland, and for some distance southeastwards over the Red Sea along the western edge of the Arabian peninsula. Given the prevailing aridity, reliable sources of water have become immensely important, be they

27. See supra, note 3, p. 54-55.

28. See supra, note 10, p. 14.

springs' artesian water or rivers. Of much importance are the river valleys, and paramount among these are the Nile and Tigris-Euphrates river systems.

The Nile starts in the Lake Victoria basin in eastern Africa and flows northwards through Uganda, Sudan and Egypt and ends in the Mediterranean Sea. This river, which flows for 4,145 miles, is considered the longest river in the world. In Sudan, it is joined at the capital city of Khartoum by the Blue Nile, coming from the Ethiopian highlands.

To Egypt, the Nile River is very much a life line, for climatically the country is a desert.²⁹ In fact, a good deal of Egypt's foreign policy, especially with countries to the South, has been related to a concern about the waters of the Nile. The Tigris and Euphrates are as important to Iraq and Syria as the Nile is to Egypt.³⁰ Other, smaller river systems are found in the Arab world, such as along the northern slopes of the Algerian Atlas (the Chelif), the northwestern slopes of the Moroccan Atlas (the Sebou-Oumer-Rhbia, and Tensift rivers) and eastwards into northern Tunisia (the Medjerda).³¹ The Litani in Lebanon,

29. See supra, note 12, p. 11.

30. Ibid., p. 10.

31. See, supra, note 3, p. 64.

the Jordan in Jordan and Palestine are also prominent and the Oronter in northwest Syria.³² The great importance of a continuous source of water in a region of prevailing aridity is illustrated by the Jordan River.

The search for water is an endless concern in the Arab world, for none of these countries has enough water and enough rainfall to meet its needs.³³ All the Arab world except Lebanon have dry and arid deserts which are located in the most part of regions, including two of the world's largest deserts, the Sahara Desert and the Arabian Desert.

As a result, great deserts occupy a large part of the total area in the Arab world, the population is confined to river valleys, rainy coast, scattered areas and fertile areas with adequate rainfall. Therefore, the main occupation in the Arab region is agriculture, and agricultural production is increasing in most regions due to the growing population. The Arab today does, however, possess the largest reserves of petroleum on earth as well as other mineral and natural resources that are yet to be discovered and developed to their full potential.³⁴

32. Ibid., p. 63.

33. Ibid., p. 59.

34. Gibb, H.A.R., The Arabs, Oxford, 1941, p. 3.

C. The Colonial Era

It is interesting to note that the Arab world as a whole had for centuries, i.e. after the emergence of Islam as a dynamic world religion, a conspicuous political position in the world, and had made remarkable scientific and cultural contributions to the heritage of mankind.³⁵ As early as the sixteenth century, the Ottoman Turks started their expansion into the Arab world.³⁶

The Ottoman Empire which was Muslim, had succeeded in destroying the Byzantine Empire, a task which could not be achieved by either the Umayyad or the Abbasid Caliphs. The political power of Islam was expanding into Europe from the East at the same time it was being driven out of Spain. The Ottomans were strong enough to attempt a restoration of the great power lost by the Arab Caliphate a few centuries earlier. In 1516, their armies began the Conquest of Syria. They quickly added Egypt, Iraq, Libya, Tunisia and Algeria, as well as the coastal parts of Arabia to their domain.³⁷ This success gave them control over most of the Arabic-

35. See supra, note 2, p. 34.

36. Zeine, N. Zeine, Arab-Turkish Relations and the Emergence of Arab Nationalism, American University of Beirut, Beirut, Lebanon, 1958, p. 7.

37. See supra, note 2, p. 162-163.

speaking peoples, as well as the three holiest cities of Islam Mecca, Medina and Jerusalem.

At the same time, European commercial and colonial activities in the area were beginning to be felt. The Portuguese, the Dutch and the English were at first interested in securing routes of trade to India and the Spice Islands. But by doing so, they competed with, and eventually suppressed, Arab trade in the Indian Ocean. Since the ocean lanes directly connected the Far East and Europe, the commercial advantage of the geographical position of the Arab world was greatly weakened. It was not until the opening of the Suez Canal, late in the nineteenth century, and the rerouting of trade lines of communication between the West and the Far East through the Mediterranean and the Red Sea that the strategic importance of Arab land was again felt. By that time, and because of that strategic importance, Britain and the other colonial powers had established bridgeheads of control and/or influence in the most sensitive areas along the "Route to India", especially in Egypt and South Yemen.

The awakening of Arab identity occurred in the nineteenth century with the weakening of Ottoman control and the introduction of challenging new ideas from the West.

By the end of the nineteenth century, in most Arab provinces of the Ottoman Empire very depressing conditions

in terms of economics, technology, education and cultural achievements prevailed. Even the population dwindled because of poverty and poor sanitary conditions. The irrigation system in Mesopotamia choked in silt and sand. The rich land of Syria lay fallow. The heavy hand of the tax collector left the peasants barely on a subsistence level. Only Egypt showed signs of revival. This was due to the work of Mohammed Ali who was sent to Egypt by the Ottoman Sultan to establish order after the withdrawal of Napoleon's troops.³⁸ Mohammed Ali followed an enlightened policy of modernization, he introduced the press, health services, and education. As ruler of Egypt, he built up the army and the navy with the help of European advisers.³⁹

In 1830, Mohammed Ali was not only virtually independent, but felt strong enough to challenge the authority of Constantinople.⁴⁰ The Egyptian army invaded Syria and marched into Anatolia.⁴¹ The European powers, mainly France and England, stopped the Egyptians from destroying the Ottoman Empire.⁴² Ten years later, these

38. See supra, note 2, p. 167.

39. Ibid., p. 167.

40. Ibid., p. 167.

41. See supra, note 36, p. 38.

42. Ibid., p. 38.

same powers helped force the Egyptians out of Syria.⁴³ The opening of the Suez Canal in 1869 which was supposed to be a boon for Egypt, instead became one of the reasons for British occupation. The British, French, Italians and Germans throughout the second half of the nineteenth and first quarter of the twentieth centuries were scrambling for control of parts of the Arab world as well as Africa. The Ottoman Empire was by then the "sick man of Europe" and the European powers were still hungry for more colonial real estate.⁴⁴ The French had moved into Algeria in 1830, and their subsequent expansion into Tunisia led to conflict with Italy.⁴⁵ Later on, in 1881, France invaded Tunisia and in 1906 the French move into Morocco almost led to war between France and Germany.⁴⁶

France also invaded Mauritania in 1903, Egypt was absorbed into the European economic and then political sphere as a result of its cotton potential and strategic location; it is located on two continents, Asia and Africa, and also linked the Mediterranean Sea in north and the Red

43. Ibid., p. 38.

44. See supra, note 12, p. 32.

45. See supra, note 2, p. 176.

46. Ibid., p. 176.

Sea in south by the Suez Canal.⁴⁷ The Suez Canal was regarded as an important route between the Far East and the Western countries. Therefore, the British occupied Egypt in 1882. The Sudan escaped Egyptian domination under the Mahdi (1881) only to fall under Anglo-Egyptian rule after 1899. Libya was occupied by Italy in 1911.⁴⁸ Part of Somalia was occupied by the British in 1884. The British colonialists invaded Kuwait in 1897, Bahrain in 1920, United Arab Emirates in 1820, Oman in 1861, South Yemen in 1839, Qatar in 1916, Iraq in 1920 and Jordan in 1921.⁴⁹ The French colonialists invaded Djibouti in 1884 and Syria and Lebanon were occupied by France in 1920.

The decline of European power after World War II hastened the demise of colonialism in the Arab world. Italy, defeated in the war, relinquished its hold on Libya

47. Suez Canal, across 105 miles of Egyptian territory between the Mediterranean Sea on the north and the Red Sea on the south, runs the world's largest man-made waterway - the Suez Canal every year ships from many nations pass through this Canal, which is twice as long as Panama and carries three times as much international traffic.

48. See supra, note 2, p. 178-179.

49. Aroian, Lois A. and Mitchell, Richard P., The Modern Middle East and North Africa, University of Michigan, 1984, p. 119.

and Somalia.⁵⁰ France's mandate over Syria and Lebanon and its control over Morocco, Tunisia and Mauritania came to an end after short periods of struggle.⁵¹ British control was relinquished gradually over Egypt, Sudan, Jordan, Iraq, Kuwait and the southern parts of the Arabian peninsula. Spanish enclaves in Arab Africa were eliminated later, and the last territory to gain independence was that of the French Afars and Issas which became independent Djibouti in 1976. But in Algeria and Palestine, settler colonialism blocked the road to complete freedom. The Algerian Arabs finally rose in open and organized revolution against French direct rule.⁵² A war of liberation was declared in 1955 and after seven years of bloody struggle and sacrifice, ended in independence for Algeria in 1962.⁵³ In the case of Palestine, however, the Zionist colonial entity succeeded with the consent and support of the emerging world powers, the United States, Britain, and Soviet Union, in legitimizing the takeover of the land for the establishment of Zionist state.⁵⁴ The colonizing of

50. Ibid., 197-198.

51. Ibid., p. 199, 250.

52. Ibid., p. 330-332.

53. Ibid., p. 331-333.

54. See supra, note 12, p. 36.

Palestine by the Zionists did not place the country under the direct control of a foreign power as was the case in Algeria. But Zionist influence in western Europe and in the United States provided Israel with a strong foreign base of support.⁵⁵ With this support, and bent on expansion, Israel attacked Egypt in 1956 in collusion with Britain and France. The aim of the attackers was to occupy Sinai and Suez Canal because it was very important for Israel to dominate the Canal due to its importance for trade between West and East. Again in 1967, Israel attacked Egypt, Jordan and Syria in a lightning war that lasted only six days.⁵⁶ All Palestine came under direct Israel domination as a result of this war, and many more Palestinians became refugees.⁵⁷

In spite of living in independent political entities or states, the Arab people like to be considered as one nation. They take great pride in their history and heritage. The Arabs share a common cultural heritage and speak the same language.

55. See supra, note 49, p. 294-295.

56. Ibid., p. 348-349.

57. Ibid., p. 348.

CHAPTER II

SOME BASIC INSTITUTIONS IN THE ARAB REGION IN GENERAL

A. The Arab League

1. Early Attempts

The growth of regional international organization has been one of the major developments in the field of international organization since the end of World War II. Therefore, the Arab League, an international agency, was established in the early months of 1945, and now groups the twenty-two Arab states as its members.⁵⁸ However, the trend toward integration in the Arab world can be seen at work in other fields such as education and communications. A network of roads and airlines makes movement between Arab countries easier than it has been.⁵⁹

Cultural communication between Arabs is even a stronger agent for integration. Moreover, newspapers, radio broadcasts, films and banks are shared, understood and enjoyed by all Arabs regardless of the difference in

58. Sahab, Mofed M., Jamiat al-Dwal-al-Arabiyyah, Cairo, 1978, p. 27.

59. Ibid., p. 29-31.

dialects. Classical Arabic and a developing language of simplified classical Arabic, have brought all educated Arabs closer together.

Exchange of students and teachers and the mobility of skilled and unskilled labor and common textbooks are contributing to an integration in speech, manners, customs and outlook. Human and economic interaction in the Arab world promises to increase in the future. The dream of union can be realized only after this interaction reaches a higher level of awareness and involves a large number of Arabs. Development projects, universal education and a more active intellectual elite may, over a period of a decade or two, promote the integration of the Arab world to its logical conclusion. The Arab states, of course, were not alone in the fight for the recognition of a new type of regional organization.⁶⁰

The Latin American states conspicuously used every effort to secure recognition of the regional principle, with particular reference to the inclusion of a reference to the inter-American system as one of the regional arrangements provided by Article 52 to 54 of the Charter.⁶¹

60. MacDonald, Robert W., The League of Arab States, Princeton, New Jersey, Princeton University Press, 1965, p. 21.

61. Ibid., p. 21.

The five Arab League states acting through the Egyptian delegation proposed the following definition of regional arrangements for inclusion in the United Nations Charter.

There shall of a permanent nature grouping in a given geographical area several countries which by reason of their proximity, community of interests or cultural, linguistic, historical or spiritual affinities, make themselves jointly responsible for the peaceful settlement of any disputes may arise between them and for the maintenance of peace and security in their region, as well as for the safeguarding of their interests and the development of economic and cultural relations.⁶²

Article 52/1 U.N. Charter is permissive and emphasizes the role of regional arrangements in "dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action". The one concession to the regionalist point of view is the requirement that "such arrangements or agencies and their activities are consistent with the purposes and principles of the United Nations".⁶³ Therefore, the purpose of regional organization is not only to maintain international peace and security but also to foster international cooperation in solving international problems of an

62. Ibid., p. 10.

63. See art. 52, para. 1, the Charter of United Nations.

economic, social, cultural or humanitarian character as provided in Article 1, para. 3 of the U.N. Charter which lists the purposes of the United Nations.⁶⁴ Therefore, the General Arab Congress convened in Cairo on March 17th 1945 to review the draft pact, and the approved document was signed on March 22nd, 1945 by seven Arab states: Egypt, Iraq, Jordan, Lebanon, Saudi Arabia, Syria and Yemen.⁶⁵ Furthermore, these states established the League as a regional organization to coordinate their efforts to achieve two common objectives: first, complete independence, and second, unity.⁶⁶ The founding members set forth the aim of the League as follows: 1) to strengthen the ties between Arab states and coordinate their political activities in such a way as to effect real collaboration between them, to protect their integrity and safeguard their independence, and to consider, in general, the affairs and interests of Arab countries; 2) to ensure that closer cooperation and greater collaboration exist in political, cultural, health, economic, legal and social fields.⁶⁷

Moreover, the Pact of the Arab League is an inter-

64. See art. 1, para. 3, the Charter of United Nations.

65. See supra, note 58, p. 18.

66. Ibid., p. 18.

67. Ibid., p. 29.

national treaty which, like other regional organizations and the universalist United Nations, exists to provide a means of accommodating these rivalries and national particularisms to a generally accepted urge towards greater peace and security, economic well-being and social justice.⁶⁸

This treaty was signed by the heads of states or representatives of the founding members and duly ratified by the respective member states.⁶⁹ The Pact of the Arab League consists of a preamble, twenty articles, and three annexes. Annex one to the treaty, concerning the Palestine problem stated that the states signatory to the Pact of the Arab League are therefore of the opinion that, considering the special circumstances of Palestine and until that country can effectively exercise its independence, the Council of the League should take charge of the selection of an Arab representative from Palestine to take part in its work.⁷⁰ Annex two of the Pact of the Arab League regarding cooperation with countries which are not members of the Council of the League, states that the member states will cooperate with the other states which are not members of the Council to deal with all matters which will benefit and

68. Ibid., p. 27-28.

69. See supra, note 60, p. 42.

70. See supra, note 58, p. 63-65.

affect all Arab countries at large. Annex three of the same Pact governs the appointment of Secretary General of the Arab League.

2. The aims of the Arab League

To strengthen links between member states, coordinate their political plans in such a way as to permit cooperation between states, safeguard their independence and their sovereignty, and in general consider all matters affecting Arab countries and their interests; to promote close cooperation among member states bearing in mind the regulation and the specific elements of each of them, in the following areas: (a) economic and financial matters, including trade, customs, monetary, agricultural and industrial questions; (b) communications, including railway roads, roads, air and sea connections, posts and telecommunications; (c) cultural affairs; (d) questions relating to nationality, passports, visas, execution of judicial sentences and extradition of criminals; (e) social affairs; and, (f) health questions.

The Arab League acts as a mediator in disputes between member states or between a member and a third party according to article 5 which stated that

any resort to force in order to resolve a dispute arising between two or more member

states of the League is prohibited. If there should arise among them a difference which does not concern a state's independence, sovereignty, or territorial integrity, and if the parties to the dispute have recourse to the Council for the settlement of this difference, the decision of the Council shall then be enforceable and obligatory.

In such a case, the states between whom the difference has arisen shall not participate in the deliberations and decisions of the Council.

The Council shall mediate in all differences which threaten to lead to war between two member states or a member state and a third state, with a view to bringing about their reconciliation. Decisions of the arbitration and mediation shall be taken by majority vote.

Moreover, the League also provides for the future cooperation with such international bodies as may be formed in order to guarantee security and peace and regulate economic and social relations according to article 3 of the Pact of the Arab League.

... It likewise shall be the Council's task to decide upon the means by which the League is to cooperate with the international bodies to be created in the future in order to guarantee security and peace and regulate economic and social relations.

3. Membership in the Arab League and Relations Between Members

Membership is limited to independent Arab countries according to article 1 of the Pact of the Arab League.

The League of Arab States is composed of the independent Arab States which have signed this pact.

Any independent Arab State has the right to do so; it shall submit a request which will be deposited with the permanent Secretariat General and submitted to the Council at the first meeting held after submission of the request.

Articles 9 and 17 of the same Pact contain two additional provisions for regulation of relations between member states. Article 9 of the Pact provides that

States of the League which desire to establish closer co-operation and stronger bonds than are provided by this pact may conclude agreements to that end.

Treaties and agreements already concluded or to be concluded in the future between a member State and another State shall not be binding or restrictive upon other members.

According to article 17 of the Pact,

each member State of the League shall deposit with the Secretariat-General one copy of every treaty or agreement concluded in the future between itself and another member State of the League or a third State.

It is worthy of note that the Arab League consists of the governments of twenty-two Arab states which joined this Pact: Algeria (1962), Djibouti (1977), Egypt (1945),

Libya (1953), Mauritania (1973), Morocco (1958), Somalia (1974), Sudan (1956), Tunisia (1958), Bahrain (1971), Iraq (1945), Jordan (1945), Kuwait (1961), Lebanon (1945), Oman (1971), Palestine (1976),⁷¹ Qatar (1971), Saudi Arabia (1945), Syria (1945), United Arab Emirates (1971), Democratic Yemen (1967), Yemen (1945).

4. Structure

The Arab League Council is made up of representatives from the member states and meets twice a year in regular session. Each state has one vote regardless of the number of representatives it sends to the Council.⁷² The functions of the Council are to supervise the execution of agreements concluded between member states, to determine the means by which the League is to cooperate with the United Nations and other international agencies,⁷³ to settle any dispute that may arise between members and between members and non-members,⁷⁴ and to coordinate defence measures in the event of an attack or threat on international

71. The delegate of Egypt proposal in 1976.

72. See art. 3 of the Pact of the Arab League.

73. See arts. 2, 3 of the Pact of the Arab League.

74. See arts. 5, 7 of the Pact of the Arab League.

security.⁷⁵ Furthermore, the Council is entrusted with approval of the budget,⁷⁶ preparation and approval of its administrative regulations, and the regulations of certain personnel matters, including appointment of the Secretary General,⁷⁷ and approval of the technical committees, and the secretariat.⁷⁸

The Secretariat provided for by article 12 of the Pact consists of a Secretary General, a limited number of assistant secretaries and "an appropriate number of officials". Its functions are to prepare the budget of the League and support of Council meetings; neither the organization nor functions of the Secretariat are prescribed by the Pact. The Council may delegate responsibility for the regulations concerning functions and staff of the Secretariat. The technical committees are composed of representatives of the member states as provided in article 4

for each of the questions listed in article 2 there shall be set up a special committee in which the member states of the League shall be represented.

These committees shall be charged with the task of laying down the principles and extent of co-operation. Such principles shall be formulated as draft agreements,

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75. See art. 6 of the Pact of the Arab League.
76. See art. 13 of the Pact of the Arab League.
77. See art. 12 of the Pact of the Arab League.
78. See art. 16 of the Pact of the Arab League.

to be presented to the Council for examination preparatory to their submission to the aforesaid state.

Representatives of the other Arab countries may take part in the work of the aforesaid committees.

The Council shall determine the conditions under which these representatives may be permitted to participate and the rules governing such representation.

Finally, it is interesting to note that the Arab League and its agencies, is the only practical expression of the desire and hope for Arab integration. The League does not now have enough authority to control actions of its members, to regulate relations among them, or even to represent the general will of the Arabs in the international areas. But the League, as long as it exists, has the potential of becoming more active in coordinating the cultural, social and economic activities of its member states and of disseminating information about the Arabs throughout the world.

B. The Joint Defense and Economic Cooperation Treaty

This treaty is based upon article 51 of the United Nations Charter which reads

nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain

international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

Therefore, the original seven member states of the Arab League completed a supplemental treaty in 1950 known as "The Joint Defense and Economic Cooperation Treaty".⁷⁹

On August 23, 1952, the treaty became effective. The preamble provides that the participating governments desire

to cooperate for the realization of mutual defense and maintenance of security and peace according to the principles of both the Arab League pact and the United Nations Charter. The treaty also calls for consideration of relations between the States of the Arab League; to maintain their independence and their mutual heritage in accordance with the desire of their people.

Article 10 of this treaty deals with cooperation between member states. It states that

the contracting states undertake to conclude no international agreements which may be contrary to the provisions of this treaty, nor to act, in their international relations in a way which may be contrary to the aims of this treaty.

Moreover, relations between members of the Arab League have

79. These states are Egypt, Syria, Saudi Arabia, Iraq, Jordan, Lebanon, Yemen.

been affected only to the extent that signatories of the treaty of 1950 were permitted to join the three new Arab League organs which it established. The Arab League had twenty-two members, but only eighteen of them had adhered to the treaty.⁸⁰

The role of the supplementary organs created by the 1950 treaty has been limited by this provision during most of the intervening period since none of the new members adhered to the treaty until 1976. Although non-adherents could attend meetings as observers, they could not participate officially in the decision-making process.

The new Arab League organs established under the terms of the 1950 treaty were the Joint Defense Council, the Economic Council, and a permanent Military Commission.⁸¹

The functions and organization of the Joint Defense Council were established by article 6 of the 1950 treaty. The Council was to consist of the foreign ministers and ministers of defense of the contracting states, or their representatives. The Joint Defense Council under the supervision of the Arab League Council, shall be formed to deal with all matters of collective security including to use of armed force to repel the aggression of available military

80. See supra, note 58, p. 250.

81. Ibid., p. 111-113.

resources and the preparation of plans for joint defence. The Economic Council was established to increase and to coordinate the development of the Arab countries economic and generally to organize their economic activities and to conclude the necessary inter-Arab agreements to realize such aims. However, the Economic Council operates under the Arab League Council, though this is not specified in the treaty. The Economic Council is composed of the Ministers of economic affairs of the contracting states or their representatives and cooperates with the Economic Committee established by article 4 of the Arab League Pact. In 1960, however, steps were taken to permit representatives of non-contracting Arab states to attend meetings of the Economic Council. In 1964, all the remaining non-signatories adhered to the Arab Collective Security Treaty as a gesture of Arab brotherhood and thus became full voting members of the Economic Council. By this time, however, the economic aspects of the treaty were rapidly being taken over by the newly organized Council of Economic Unity and the projected Arab Common Market.⁸²

Finally, the permanent Military Commission is composed of the representatives of the general staff of the contracting states of the 1950 treaty, entitled to draw

82. Ibid., p. 113-114.

plans for joint defense presumably by effecting the necessary coordination to ensure their implementation. This commission was supposed to work and to cooperate with the Joint Defense Council. Moreover, its functions are directed to military purposes.⁸³ The Annex to the treaty states that the Commission shall submit "proposals for the exploitation of natural, agricultural, industrial and other resources of all contracting states in favor of the inter-Arab military effort and joint defense".

C. The Arab League Educational, Cultural and Scientific Organization (ALECSO)

This organization which is considered a special agency of the Arab League was established on May 21, 1964, Cairo, Egypt, when its Charter was approved by the Council of the Arab League at its 41st Session.

1. The Activities and the Functions of the ALECSO

This organization commenced to function after the first general conference on July 25, 1970.

Its aims and functions are to promote unity of

83. Ibid., p. 111.

thought between Arab countries through education, cultural and science, and raise the standard of cultural activities in these countries so that they may keep in touch with world civilization and make a positive contribution to it, coordinate Arab efforts, encourage scientific research, promote education and culture through cooperation between member states, suggest agreements and gather information, data and special reports concerning the implementation of educational, cultural and technological agreements concluded between Arab countries, assist in the exchange of expertise, information and experience and coordinate such exchange, participate in the preservation, progress and dissemination of knowledge.⁸⁴

In ALECSO's activities since the first general conference, priority has been given towards carrying out a comprehensive and continuous survey of educational, cultural and scientific potentialities in the Arab countries, primarily by means of conferences, meetings and seminars. Development of education research, teacher training programmes; development and preservation of cultural heritage; studies on archeological excavations, collecting Arab manuscripts and putting them at the disposal of scholars and research workers, producing enlarged copies of manuscripts

84. Ibid., p. 212.

and lending copies of them upon request; projects related to the environment and natural resources; training courses for technicians; development of scientific research projects for the development of documentation centres, libraries and archives; bibliographical programmes; economic, social, political, judiciary, geographical and historical research programmes, sectorial experimentation in literacy and adult education, providing technical assistance to the Arab States, providing educational and cultural services to the Palestinians, international cooperation particularly with the United Nations Education Scientific cultural organization (UNESCO) and other specialized agencies of the United Nations.

Activities are carried out through specialized departments and subsidiary agencies.

2. Structure of the ALECSO

The general conference meets once every two years, consisting of not more than five representatives of each member state. It elects the Executive Board and appoints the Director-General. The Executive Board meets twice a year and is composed of one representative from each member. The Secretariat carries out the programmes approved by general conference both at ALECSO headquarters and in the

field. Moreover, the finance shares of member states are calculated on the basis of each country's share in the budget of the Arab League.⁸⁵

85. Ibid., p. 212-213.

CHAPTER III
PRINCIPAL INSTITUTIONS IN THE ARAB WORLD
IN THE FIELD OF AIR NAVIGATION AND AIR TRANSPORT

A. The Arab Air Carriers Organization (AACO)

1. Early Attempts to Establish AACO

AACO was established according to the provisions of article 2, para. B of the Arab League Pact (dated March 22nd, 1945) which provides for the development of communications, including railroads, aviation, navigation, telegraphs and posts. A department of communications was created in 1946. It recommended that Arab air carriers should meet from time to time to discuss problems of mutual interest. Meetings took place when required to deal with specific issues such as bilateral or limited multilateral agreements. No general meetings, however, were held on the latter subject.

The tenth conference of the Commission of Communications of the Arab League, held in Tunis in May 1964, recommended the formation of a permanent organization for Arab air carriers. The first conference of the Arab Ministers of Communications, held in November 1964, adopted this recommendation and directed the Secretariat General of

the Arab League to invite Arab air carriers to discuss the project. These decisions were approved by the Economic Council of the League on December 8, 1964 and the Council of the League in March 1965.

The conference of air carriers was convened in Cairo on August 23, 1965 and was attended by 14 Arab air carriers.

Five Lebanese companies, i.e. MEA, Air Liban, LIA, TMA, Lebanese Air Transport (charter); two Egyptian companies, i.e. UAA and Misr Air; Alia Royal Jordanian Airlines, KAC Kuwait Airways; Sudan Airways, Syrian Arab Airlines, Saudia and Yemen Airlines. The project, submitted by the UAA delegation, was taken as a basis for drafting the Basic Statutes.

On August 25, 1965, thirteen companies (Lebanese Transport did not join in) signed the Basic Statutes. These were again amended on the basis of a draft project also submitted by UAA and ratification made by the fourth session of the General Assembly held in Kuwait on April 2nd, 1967.

During the second session of the General Assembly held in Beirut in 1965, this city was selected as the location of the permanent Bureau.

2. Aims and Functions of the AACO

AACO is an autonomous regional organization. It is not an official regional governmental body with automatic membership and automatic dues.⁸⁶ It is formed of the various Arab air carriers, with each member maintaining its separate identity. Since its inception, it has dealt with matters relating to commercial aviation proper in all its aspects; whether technical or administrative, and at both the regional and international levels. In all these activities, of course, it operates within the framework of IATA and in co-operation with the various organizations related to civil aviation as required by its Articles of Association.

In this respect, AACO is very similar to the other three regional airline organizations namely the European Airlines Research Bureau, the Orient Airlines Association and the Association of African Airlines. During the past two decades of its existence, AACO has gradually and successfully promoted its activities in the field of

86. The Arab Wings No. 12, Dec. 1972, p. 17. Address by Mr. Fawaz Abu Alwan to the 50th CPAM. The Committee of Purchasers of Aircraft Materises held its 50th Meeting in Vienna on Oct. 24th, 1972.

exchange of information and coordination.⁸⁷ However, it is not an official regional governmental body with automatic membership and automatic dues.⁸⁸ For that reason, AACO has to continue to justify its existence.

The success realized here is proven by the fact membership has risen gradually from the date of its creation. Another proof of success is that the various committees hold many meetings every year. Consequently, its meetings at all levels are neither a simple get-together, nor a meeting of the board of directors for decision-taking by majority vote. Each member is responsible to implement what it has agreed to.

AACO members have always maintained publicly that they undertake commercial operations and entertain commercial relations among each other that must not get influenced by politics. In fact, they have always met within AACO for joint discussions and action. Moreover, the AACO has established a consensus among the members for a common stand wherever the regional interests of the industry are involved. In this it parallels IATA albeit at a regional level. Furthermore, the AACO has always maintained a public stand for the principle of the safety of air transport; it

87. Ibid., p. 17.

88. See art. 1 of the AACO agreement.

has always emphasized that the safety of all commercial air transport must be maintained and that it should be excluded from all expressions of political strife.

Moreover, the revenue stabilization and Charter of the AACO is moving to the specific fields of cooperation.

The AACO, right from its inception, has been realistic about the possibilities of specific cooperative projects. It has devoted attention mainly to the revenue side and revenue stabilization. This led to quiet pragmatic activity that achieved concrete results, though at times with difficulty. Now AACO has an almost complete and well functioning mechanism for securing revenue stabilization. In addition, the Arab air carriers have developed over time promotional fares for both groups and individual that are low in level and to be used, when applicable, on the scheduled services. Furthermore, the Arab air carriers have realized a very orderly development of traffic in the past. All categories of markets that exist should definitely and appropriately get served. But no market should disrupt another and no markets should disrupt each other as has happened in the West.

The Arab air carriers began two decades ago to hold frequent meetings to discuss their own proposals as well as some proposals made by other carriers to the IATA Conferences. These discussions are basically informal in nature

as the formal ones take place within IATA itself.

Many thought at first that this would eventually mature into a separatist movement. But the contrary has been the case. The AACO members, in their small group, study in depth and great detail the suggestions concerned in a manner that would not be possible at a huge international conference. Moreover, some points would be of interest to discuss in detail only by the AACO members. Thus, AACO unifies and coordinates the stand of its members. This was found to be time-saving for IATA, enabled a better coordination of tariffs and prevented excessive competition. It is interesting to note that other regional airline organizations have also adopted this technique. A good example about the efficiency of this machinery for the stabilization of revenue is the manner in which a recent increase in the price of fuel was handled.

The Arab air carriers are mainly government-owned and in certain matters government policies are important. Now, the incidence of the increase in fuel prices was heavier on some Arab airlines than on others. AACO was able, however, to secure a common stand to increase fares. Unanimous agreement was necessary. It is to be noted, in this respect, that the increases in fares are below the incidence of inflation and rise in fuel costs.

Another achievement of the AACO is in air mail

services. AACO members developed a uniform price for the transport of all surface mail by air in the Arab states. Even one member that had previously concluded a different agreement with its postal authority amended it in order to conform with its colleagues thereby preventing wasteful undercuts. There is also other functions of AACO exercised by its Technical Committee. The main activities of the Technical Committee relate to engineering, but include at present other fields such as airport services and flight operations. The meetings of the latter are still too infrequent to warrant setting up full-fledged committees.

Whenever necessary, the president of the Technical Committee conducts the discussions of the relevant staff; e.g. the Chief pilots of the airlines. This Committee's main function is to exchange information on technical projects and programs between the Arab member airlines, specific problems are aired and the opinions of the members obtained. Another achievement of the AACO is in the field of airport services where it has been active. Many Arab air carriers handle each other's services at their respective airports.

The Airport Services Group also brought to the attention of some members the activity and usefulness of the Airlines Computerized Baggage Tracing System (ACTS) to help locate lost baggage. This prompted them to join. Another

important suggestion was made to IATA for the establishment of a cargo tracing system similar to that existing for baggage.

Another function for AACO is in the field of statistical services which are relatively well-developed among the Arab airlines and airports. AACO has gradually, though painstakingly at first, established a rapid monthly statistical bulletin on traffic for circulation among the members.

It is interesting to note that the Arab air carriers have demonstrated a very earnest desire to cooperate and have expended much effort to explore all possibilities. For this purpose, they even had the courage to overlook any political differences that existed at one time or the other among their countries. Their attitude was always that they were strictly commercial enterprises not related to politics.

3. Structure of AACO

The organization is composed of two bodies, the General Assembly and the Permanent Bureau.

(a) General Assembly

The General Assembly is the supreme authority and is composed of representatives from each active member.⁸⁹ In addition, associate members are invited to attend.⁹⁰

The Assembly meets annually⁹¹ for the purpose of adopting any measures needed to realize the objectives of the organization. It also, inter alia, elects the president of the Assembly; formulates general policy in the technical, economic, financial and administrative fields; elects the Director General of the organization; establishes committees, conferences and determines their terms of reference; and, approves the annual budget.⁹²

The president is elected for a one-year term to preside over its meetings and to represent the organization.⁹³

89. See art. 7, para. 1 and art. 8 (A) of the AACO agreement.

90. See art. 8, para. A of the AACO agreement.

91. See art. 8, para. B (1) of the AACO agreement.

92. See art. 8, para. C of the AACO agreement.

93. See art. 9 of the AACO agreement.

(b) Permanent Bureau

The Permanent Bureau is the executive machinery of the organization.⁹⁴ It consists of the Director-General, appointed for a three-year term,⁹⁵ supplemented by sections and staff necessary to requirements of the work.⁹⁶

The Permanent Bureau is responsible for the execution of the decisions of the General Assembly and conducting the organization's activities.⁹⁷ This will include, inter alia, conduct of research work and technical and economic studies; prepare the annual budget; prepare the provisional agenda for annual meetings; and supervise any training organs established by the organization.⁹⁸

A Director is in charge of the Permanent Bureau and accounts to the General Assembly for all work. He acts as president if this position is declared vacant before the end of a term.⁹⁹

94. See art. 7, para. 2 of the AACO agreement.

95. See art. 10, para. 1 of the AACO agreement.

96. See art. 10, paras. 2, 3 of the AACO agreement.

97. See art. 11 of the AACO agreement.

98. Ibid.

99. See art. 12 of the AACO agreement.

4. Membership of the AACO

(a) An active member is any Arab air transport organization legally operating a regular air service open to the public for passengers, cargo or mail, providing: 1. its nationality is that of an Arab state member of the Arab League; 2. over 50 percent of effective management and effective control is Arab; 3. it must own aircraft to the extent of at least 65 percent of the total capacity available to it.¹⁰⁰

(b) Associate members: Associate membership is available to an airline under the same conditions for active membership except that the airline should be the national of an Arab state which has not yet joined the Arab League.¹⁰¹

Associate membership is also available to Arab air transport enterprises whose operations are limited to charter operations.¹⁰²

The AACO currently has a membership of eighteen

100. See art. 5, para. A of the AACO agreement.

101. See art. 3, para. B of the AACO agreement.

102. Ibid.

(18) airlines, as follows: Air Algérie, Alia, Alyemda, Arab Wings, Gulfair, Iraqi Airways, Kuwaiti Airways, Libyan Arab Airlines, Mourtanian Airways, MEA, Royal Air Maroc, Saudia, Somali Airlines, Sudan Airways, Syrian Arab Airlines, Trans-Mediterranean Airlines, Tunis Air and Yemen Airways.¹⁰³

B. Pan-Arab Airline

1. Early Attempts at the Creation of a Pan-Arab Airline

The creation of a pan-Arab airline was proposed for the first time during the Fifth Session of the Arab League Permanent Communications Committees held in Beirut, Lebanon in September 1955. During this session, a recommendation was adopted to prepare a draft convention for the purpose of establishing a pan-Arab airline in the Arab world. A panel of Arab aviation experts was established to prepare the draft convention. Three alternatives were considered concerning the form of the proposed enterprise: one calling for the establishment of a joint company the aircraft of

103. Rosenfield, Stanley B., The Regulation International Commercial Aviation Issued Nov. 1984, Release 84-2, Booklet 29, Oceana Publication, Inc., Dobbs Ferry, New York, p. 3.

which were to be registered in one of the member states of the League; the creation of a consortium along the line of Scandinavian Airlines System (SAS); and finally the formation of a truly international operating agency having a distinct and separate international legal personality and competent to enforce rights and assume obligations under existing international law. This last alternative prevailed. Notwithstanding the legal, economic and political problems which confronted the panel, it completed its draft convention by April 1961. This was approved by the Arab League Economic Council and signed on April 17, 1961 in Baghdad, by Jordan, U.A.R., Saudi Arabia, Iraq and Kuwait. Syria signed the draft later on February 27, 1964. The Arab Communications Ministers, during their conference in Beirut from 20 to 26 November 1964, adopted a resolution urging the Arab states to sign and ratify the convention as soon as possible. However, this convention has not yet come into force. It is worthwhile to state in this respect that article 50 thereof stipulates that the convention enters into force a month after the deposit of ratifications by signatory states which collectively possess not less than 60 percent of the total capital of the airline as specified in the convention.

Political and economic differences in the Middle East have so far delayed the establishment of the pan-Arab

airline. These political differences relate to monarchy vs. socialism, free enterprise vs. controlled economy ... political in-fighting, government instability, border disputes and surging nationalism.¹⁰⁴

Thus, for instance, political conflicts exist between Jordan and Egypt, Jordan and Iraq, Syria and Lebanon (over the border questions).¹⁰⁵

Moreover, a country like Lebanon - whose national carriers had been amongst the most successful succeeded in obtaining perhaps the best economic performance in the Middle East - were reluctant to risk integration of Arab carriers, with the danger of economic failure. Thus, the Lebanese delegation presented a note to the Beirut Conference of the Arab Ministers of Communications in November 1964 criticizing the proposed creation of the pan-Arab airline. They mentioned the fact that the Lebanese air carriers caused almost 30 percent of the traffic generated by all Arab air carriers, and pointed to the great probability of competition between the pan-Arab airline and national carriers, who would still be responsible for performing regional operations, especially in view of the

104. Aviation Week and Space Technology, May 2, 1966, p. 35.

105. Ibid., p. 37-38.

stipulation in the project of draft convention. The AACO is a less ambitious and more pragmatic approach to regional co-operation the project for pan-Arab airline.¹⁰⁶ It can be viewed, although it is perhaps over-optimistic at this stage to take this view, as a gradualistic approach to integration. Its existence and the continuum of its specialized committees has created at the revenue level in member airlines a habit of coordination, and a habit of seeking common solutions to shared problems. The AACO covers all aspects of airline operation, not only policies on fares and freight rates, but also acquisition of spare parts, and integration of maintenance facilities. It envisages pooling equipment, nationalization of schedules and sharing of revenues.

2. Functions

From the first glimpse cast to the convention, it appears very clearly that the contracting parties thereto endowed the organization with vast competence in the field of air transport operation as follows:

- 1) To operate long-range scheduled air services in

106. The agreement was signed on August 25, 1965; see its art. 13 of the AACO agreement.

principle, e.g. to North and South America, the Far East and South Africa Region, inasmuch as the existing national Arab carriers, due to their present capabilities, cannot provide services as such.

2) To purchase, sell, lease and manufacture aircraft, their spare parts and other aeronautical equipment and to perform any maintenance operations required in this concern. This function, in its nature, is somewhat different from the commercial process of operating international scheduled air services mainly on trunk routes, the main object of the organization, according to the convention.¹⁰⁷ Such industry is performed by separate enterprises in the advanced industrial countries. The reason behind such tendency is partly due to the fact that such industry is costly and thus far beyond the capacity of one state, and partly to help the organization to balance its commercial operations by compensating the deficit in one branch from the profits in the other.

3) To perform agency operations, commercial or technical, on behalf of the Arab airlines or otherwise, in the Arab countries or abroad.

4) To maintain technical training programmes to its staff or the staff of any other airline.

107. See art. 2-1, Chapter 1 of the Convention.

It is interesting to note that the aims of the pan-Arab airline to develop cooperation between Arab countries in the field of air transport.

Its primary objective is to link the Arab world with the different regions of the Globe by operating international scheduled air services mainly on trunk routes.¹⁰⁸

3. Structure

1) The Board of Directors: It is composed of the representatives of the contracting parties members of the organization.¹⁰⁹

Each member is entitled to designate one representative only and an alternate representative is designated as well to attend the meetings of the Board in case of absence of the original representative for any reason, illness or otherwise.

The Board meets in ordinary meetings four times a year.¹¹⁰ It is convened in extraordinary meetings by the Chairman, upon his own initiative or upon reasoned applica-

108. See art. 2, Chapter 1 of the Convention.

109. See art. 18, Chapter IV of the Convention.

110. See art. 22, Chapter IV of the Convention.

tion to the Chairman by the General Manager and two Members of the Board. In such a case, a period of three months must not expire without convening the Board.¹¹¹ Decisions of the Board are taken by majority of the votes cast,¹¹² except as otherwise specified in the convention, inter alia, the inauguration of air services, their modification and cancellation, the purchase and sale of aircraft, the nomination of the General Manager and the determination of his functions and salary, the designation of the headquarters and the maintenance centers and, lastly, the dissolution of the organization which all require the majority of two-thirds vote.¹¹³ Finally, the Board is presided over by a chairman and vice-chairman both holding the office for a period of one year in rotation according to the alphabetical order of the Members.¹¹⁴

It is interesting to note that the functions of the Board, all authority is vested in the Board, as it is the principal and governing body of the organization. The Board enjoys all the powers necessary for the administration of

111. Ibid.

112. See art. 24, Chapter IV of the Convention.

113. See art. 25, Chapter IV of the Convention.

114. See art. 21, Chapter IV of the Convention.

the organization.¹¹⁵ The Board may delegate some of his administrative and financial functions to the General Manager of the organization with the exception of the mandatory functions assigned to the Board as specified in the Convention.¹¹⁶ Such mandatory functions are the appointment of licensed auditors, the approval of the annual budget, the approval of the purchase and sale of aircraft as well as spare parts, the approval of the nomination of senior employees and experts and the determination of their salaries and gratuities, approval of the general programme for equipment purchases, insurance, as well as the estimates of percentage of depreciation and percentage of the general reserve fund, concluding agreement with organization, companies and international associations performing functions similar to or having to do with those assigned to the organization, determination of the basis of co-operation between the organization and the other national corporations or companies in the field of commercial aviation and coordination between either interests¹¹⁷ and the dissolution of the organization and distribution of its assets.¹¹⁸

115. See arts. 18-19, Chapter IV of the Convention.

116. See art. 20, Chapter IV of the Convention.

117. Ibid.

118. Ibid.

Also, the Board determines any dispute pertaining to the interpretation or application of the Convention, which may arise between the Members or between the organization and any Member thereof.¹¹⁹

The Board is competent, as well, to suspend the activities of the organization for an indefinite period, upon a decision taken by the majority of two-thirds vote.¹²⁰ Also, the Board shall, in case of termination of membership of contracting party, decide the manner in which to deal with the share of such a member.¹²¹ Finally, another mandatory function of the Board is the expulsion of any contracting party from the Membership of the organization in case of non-fulfilment or breach of its obligations.¹²²

2) The General Manager: Only two articles in the whole convention referred to the General Manager. The first text states that the Board appoints the General Manager and endows him with the administrative and financial functions

119. See art. 45, Chapter X of the Convention.

120. See art. 43, Chapter IX of the Convention.

121. See art. 40, Chapter IX of the Convention.

122. See art. 39, Chapter IX of the Convention.

necessary for the management of the organization.¹²³ The second article stipulates that the General Manager is required to submit to the Board, at the end of January each year, budget estimates for the forthcoming financial year¹²⁴ which begins in April and ends in March of the subsequent year.¹²⁵ He submits, as well, the final accounts of the organization for the preceding year as certified by the auditors indicating also any profits or losses.¹²⁶

4. Membership

The membership of the enterprise is open to any Arab state irrespective of its membership in ICAO or in the Arab League. Also, Arab dependencies, though less than fully sovereign states, can be admitted as parties to the Convention.¹²⁷ Thus, the Arab character is a required condition for any state or dependency willing to be a party to the Convention whether it is a member of the Arab League

123. See art. 20, Chapter IV of the Convention.

124. See art. 35, Chapter VIII of the Convention.

125. See art. 34, Chapter VIII of the Convention.

126. See art. 35, Chapter VIII of the Convention.

127. See art. 4, Chapter 1 of the Convention.

or not. Any Arab state or dependency is admitted as of right, simply by formally accepting the Convention through the deposit of its instrument of ratification with the General Secretariat of the Arab League which shall give notice of such ratification to the other contracting parties.¹²⁸ Such adherence takes effect as from the date of deposit of the instrument of ratification with the General Secretariat of the Arab League.¹²⁹ The Convention provides for the termination of membership which arises in two different ways, by withdrawal, as the voluntary act of the member¹³⁰, and by expulsion, as a measure taken by the enterprise against a member's refusal to fulfill any of its obligations towards the enterprise.¹³¹

128. See art. 47, Chapter XI of the Convention.

129. See art. 48, Chapter XI of the Convention.

130. See art. 38, Chapter IX of the Convention.

131. See art. 39, Chapter IX of the Convention.

CHAPTER IV
ACAC AS AN AGREEMENT BETWEEN ARAB STATES
IN THE FIELD OF CIVIL AVIATION

- A. The Development of the Arab Civil Aviation Council (ACAC)
- I. Early Attempts to Develop ACAC

Desiring to implement the provisions of article 2, para. B of the Arab League pact relating to the promotion of close cooperation in the field of aviation by means of consolidating air services between the Arab countries and cooperating in the field of air transportation in line with the progress of international aviation, and desiring also to coordinate their efforts and resources in the field of civil aviation towards the progress of civil air transport both internationally and in the Arab countries, a number of Arab states reached agreement concerning civil aviation matters, namely the agreement pertaining to the establishment of the Arab Civil Aviation Council (ACAC). The agreement was signed in Baghdad on April 17, 1961. Its provisions were approved by the Arab League Council at its 43rd ordinary

session held on March 21, 1965.¹³²

Under article 17 of the draft ACAC agreement, this agreement shall come into force one month after the depositing of instruments of ratification by four Arab countries with the General Secretariat of the League of Arab states.¹³³ A number of Arab countries rapidly deposited their instruments of ratification in order to speed the entry into force of the agreement. Thus, Iraq ratified the provision of the ACAC agreement on December 26, 1965, Egypt on March 1st, 1966, Syria on August 17, 1966, Jordan on September 3, 1967.

This organization began operation on October 14, 1967 and held its first meeting on November 6, 1967. All the Arab countries are at present members except for Saudi Arabia.

II. Marrakech Declaration of 1974

At its 12th Session in Marrakech in 1974, the ACAC unanimously adopted the "Marrakech Declaration" regarding the liberalization of traffic rights between Arab states, which called for:

Liberalization of the Five Freedoms of the

132. See the preamble of the ACAC Agreement of 1967.

133. See art. 17 of the ACAC Agreement of 1967.

Air within the Arab States for the international scheduled Arab airlines on a reciprocal basis as follows:¹³⁴

- a) exercising First and Second Freedoms;
- b) exercising Third and Fourth Freedoms in accordance with the air transport requirement between the contracting states;
- c) exercising the Fifth Freedom to facilitate connections within the Arab world in order to attain the main objective of this Declaration.

The 14th and 15th Session of ACAC reaffirmed this Declaration and called on Arab states to enter into negotiations to amend existing bilateral air agreements and to conclude agreements with other Arab states, where such agreements did not already exist, with a view to ensuring the implementation of the principles laid down in the Declaration.¹³⁵ With reference to the exercise of the First and Second Freedoms, it may be noted that the following states have not adhered to the International Air Services Transit Agreement: Democratic Yemen, Qatar, Saudi Arabia, Syria and Yemen.¹³⁶

134. International Air Passenger and Freight Transport, Middle East, ICAO Circular, prepared by Secretary General in 1982.

135. Report about Arab air transport, ACAC, March 1983.

136. See supra, note 134.

III. Tunis Agreement of 1978

In December 1978 a draft "Non-scheduled Air Services Agreement Between Arab States", referred to as the Tunis Agreement, was opened for signature by ACAC member states. The Agreement was signed by Iraq, Jordan, Libya, Morocco, Syria, Tunisia and the Palestine Liberation Organization, but none of them has as yet deposited instruments of ratification. The stated objective of the Agreement is "to ensure fair and equitable opportunities as to the right of their aircraft engaged in non-scheduled flights between their respective territories to take on and discharge passengers, cargo or mail for remuneration or hire".¹³⁷

The Tunis Agreement distinguishes between two basic categories of non-scheduled air services which differ in the degree to which they are open to the public and which are subject to different regulatory procedures.¹³⁸ These categories are:

a) Subject only to prior notification are aircraft engaged in certain forms of non-scheduled operations are granted the right to operate without the necessity of

137. Ibid.

138. Ibid.

obtaining prior permission, and without being subject to the imposition of the conditions or limitations provided for in the second paragraph of article 5 of the Chicago Convention of 1944 which states that

such aircraft, if engaged in the carriage of passengers, cargo or mail for remuneration or hire on other than scheduled international air services, shall also, subject to the provisions of article 7, have the privilege of taking on or discharging passengers, cargo, or mail, subject to the right of any State where such embarkations or discharge takes place to impose such regulations, conditions or limitations as it may consider desirable.

The operations covered in this category are:

- i) flight for the purpose of meeting humanitarian or emergency needs;
- ii) taxi-class passenger flights of occasional nature.

b) Prior permission is required for a second category of non-scheduled flights, which may be refused if the flight(s) does not comply with the relevant conditions laid down in the Agreement or if it is harmful to the interests of the scheduled air services of the state of destination.

The flights covered by these arrangements include:

- i) special flights for purposes other than business, subject to the conditions that the aircraft is

hired by a single individual, who is not a travel agent, who does not pass on the cost to the users, and that scheduled services do not reasonably satisfy the public's needs for such a flight;

ii) flights for the exclusive transport of cargo subject to the entire capacity of the aircraft being hired by a single person and that adequate transport cannot reasonably be assured by scheduled services;

iii) flights for passengers transport between regions which have no direct connections;

iv) special charter flights.

Prior permission must also be obtained for the operation of any other non-scheduled flights not covered by the Agreement. These flights should conform to the provisions of the "Consolidated Regulations for Non-Scheduled Services" adopted by ACAC.¹³⁹

B. The ACAC Organizational Structure

The Council conducts its activities through: (1) the General Assembly, (2) the General Secretariat, (3) the

139. Ibid.

Permanent Committee.¹⁴⁰

1. The General Assembly

The General Assembly, the highest authority in the Council, is composed of the representatives of member states.

The presidency of the Assembly rotates among the member states according to the alphabetical order of their names, and lasts until the following ordinary session of the Assembly.¹⁴¹

The functions of the General Assembly include the formulation of general policy to be maintained by the Council. It adopts recommendations, resolutions and procedures to serve the objectives and aims of the Council,¹⁴² determines its own internal rules and arrangements necessary

140. See art. 3 of the ACAC Agreement modified according to Cairo's Protocol of 1975.

141. See art. 4, para. B of the ACAC Agreement modified according to Cairo's Protocol of 1975.

142. See art. 5, para. 1 of the ACAC Agreement modified according to Cairo's Protocol of 1975.

for the implementation of its policies,¹⁴³ approves the annual budget of the Council and determines the contributions of each state.¹⁴⁴ Furthermore, it is required to cooperate to the fullest extent with the League of Arab states, international organizations, and in particular with the International Civil Aviation Organization, for the accomplishment of the common objectives and for the progress and welfare of civil aviation.¹⁴⁵ It also studies the International Standards and Recommended Practices relating to civil aviation and adopts those proven to be in the interest of the Arab states,¹⁴⁶ examines international civil aviation agreements and recommend member states to adhere to those which the Council considers of benefit to them,¹⁴⁷ and it aims at the unification of proce-

143. See art. 5, para. 2 of the ACAC Agreement modified according to Cairo's Protocol of 1975.

144. See art. 5, para. 3 of the ACAC Agreement modified according to Cairo's Protocol of 1975.

145. See art. 5, para. 4 of the ACAC Agreement modified according to Cairo's Protocol of 1975.

146. See art. 5, para. 5 of the ACAC Agreement modified according to Cairo's Protocol of 1975.

147. See art. 5, para. 6 of the ACAC Agreement modified according to Cairo's Protocol of 1975.

dures, legislations and aviation terminology in the Arab countries.¹⁴⁸ The Assembly also explores the means which will ensure the welfare and progress of civil aviation in the Arab countries,¹⁴⁹ conducts research on the various aspects of air transport and air navigation and facilitates the exchange of such information between the countries;¹⁵⁰ considers each situation which impedes the progress of air navigation in the Arab countries at the request of any member state and makes suitable recommendations;¹⁵¹ settles the differences and disputes that may arise between member states;¹⁵² studies air travel fares

148. See art. 5, para. 7 of the ACAC Agreement modified according to Cairo's Protocol of 1975.

149. See art. 5, para. 8 of the ACAC Agreement modified according to Cairo's Protocol of 1975.

150. See art. 5, para. 9 of the ACAC Agreement modified according to Cairo's Protocol of 1975.

151. See art. 5, para. 10 of the ACAC Agreement modified according to Cairo's Protocol of 1975.

152. See art. 5, para. 11 of the ACAC Agreement modified according to Cairo's Protocol of 1975.

on all Arab air routes and issues relevant recommendations;¹⁵³ elects the Permanent Committee and establishes sub-committees to debate the subjects submitted by the Council.¹⁵⁴ The Assembly also appoints the Secretary General and determines the appointments of the principal officers.¹⁵⁵ Finally, its functions include election of both vice-presidents from among representatives of the member states in order to assist the president during the period of the General Assembly. However, their election does not affect their representation capacity for their respective countries.¹⁵⁶

The General Assembly shall hold one ordinary session every year and can hold extraordinary meetings whenever necessary, at the request of two member states or

153. See art. 5, para. 12 of the ACAC Agreement modified according to Cairo's Protocol of 1975.

154. See art. 5, para. 13 of the ACAC Agreement modified according to Cairo's Protocol of 1975.

155. See art. 5, para. 14 of the ACAC Agreement modified according to Cairo's Protocol of 1975.

156. See art. 5, para. 17 of the ACAC Agreement modified according to Cairo's Protocol of 1975.

the Secretary General.¹⁵⁷ A majority of the member states is required to constitute a quorum for a meeting of the General Assembly.¹⁵⁸ Moreover, the General Assembly may issue a decision to hold its meetings at a location other than the headquarters of the Council.¹⁵⁹

2. The General Secretariat

The General Secretariat is the executive instrument of the Council. It is composed of the Secretary General and full-time professional staff, highly qualified and experienced in civil aviation matters, in addition to the required number of administrative staff.¹⁶⁰ The Secretary General is elected by a majority vote of the General Assembly from amongst nominees from the member states for a three-year renewable term. He must be a specialist in the civil

157. See art. 6, para. A of the ACAC Agreement modified according to Cairo's Protocol of 1975.

158. See art. 6, para. B of the ACAC Agreement modified according to Cairo's Protocol of 1975.

159. See art. 6, para. C of the ACAC Agreement modified according to Cairo's Protocol of 1975.

160. See art. 8, para. 1 of the ACAC Agreement modified according to Cairo's Protocol of 1975.

aviation field.¹⁶¹ The functions of the Secretary General are to administer the General Secretariat's work and propose to the General Assembly the appointment of the necessary personnel. He submits the annual draft budget to be approved, and invites the General Assembly to convene. Finally, he is directly responsible before the General Assembly for all his assigned duties and obligations.¹⁶²

The General Secretariat prepares requested studies and research papers for the General Assembly;¹⁶³ coordinates between member states in the field of civil aviation training;¹⁶⁴ undertakes preparatory tasks and discharges the Secretarial duties for the meetings of the General Assembly and its committee; and communicates its decisions and resolutions to the member states.¹⁶⁵ It also pre-

161. See art. 8, para. 2 of the ACAC Agreement modified according to Cairo's Protocol of 1975.

162. See art. 8, para. 3 of the ACAC Agreement modified according to Cairo's Protocol of 1975.

163. See art. 9, para. 1 of the ACAC Agreement modified according to Cairo's Protocol of 1975.

164. See art. 9, para. 2 of the ACAC Agreement modified according to Cairo's Protocol of 1975.

165. See art. 9, para. 3 of the ACAC Agreement modified according to Cairo's Protocol of 1975.

prepares working papers and studies on all subjects included in the draft agenda of the General Assembly, and circulates them to the member states prior to the General Assembly's meeting,¹⁶⁶ drafts the agenda of the meetings and refers the same to the General Assembly for approval;¹⁶⁷ communicates to the General Assembly every request for joining or withdrawal, submitted by any Arab countries.¹⁶⁸

Furthermore, it submits to the General Assembly an annual report on its activities;¹⁶⁹ follows up the implementation of the General Assembly's resolutions and recommendations with civil aviation authorities in the member states;¹⁷⁰ and prepares the draft annual

166. See art. 9, para. 4 of the ACAC Agreement modified according to Cairo's Protocol of 1975.

167. See art. 9, para. 5 of the ACAC Agreement modified according to Cairo's Protocol of 1975.

168. See art. 9, para. 6 of the ACAC Agreement modified according to Cairo's Protocol of 1975.

169. See art. 9, para. 7 of the ACAC Agreement modified according to Cairo's Protocol of 1975.

170. See art. 9, para. 8 of the ACAC Agreement modified according to Cairo's Protocol of 1975.

budget.¹⁷¹ Finally, it represents the Council in the civil aviation meetings and conferences held regionally and internationally.¹⁷²

3. The Permanent Committee

The accepted system of regional organizations is to have the specialists in every field, belonging to the member countries, from a committee to meet several times for the elaboration of a specific project at hand. The Permanent Committee of the ACAC is composed of the president of the General Assembly and four members to be elected by the attending majority of members in the General Assembly for the period between two ordinary sessions, and may be elected more than once, taking into consideration that they should be of high calibre, attaining rare qualities and experience in the field of civil aviation.¹⁷³ The functions of the Permanent Committee are to eliminate obstacles and difficul-

171. See art. 9, para. 9 of the ACAC Agreement modified according to Cairo's Protocol of 1975.

172. See art. 9, para. 10 of the ACAC Agreement modified according to Cairo's Protocol of 1975.

173. See art. 10, para. 1 of the ACAC Agreement modified according to Cairo's Protocol of 1975.

ties that may be encountered by the General Secretariat in the implementation of the resolutions and recommendations of the General Assembly,¹⁷⁴ to study the Council's draft agenda and draft annual budget in order to propose it to the General Assembly for approval.¹⁷⁵ Finally, its function is to review all other subjects raised by the Secretary General and delegated by the General Assembly.¹⁷⁶ The Permanent Committee holds at least two meetings between the two ordinary sessions, at the request of the General Assembly.

4. Air Navigation, Air Transport and Training Committees

(a) Formation

The sub-committees specializing in air navigation, transportation and training are formed of the representa-

174. See art. 10, para. 2 (A) of the ACAC Agreement modified according to Cairo's Protocol of 1975.

175. See art. 10, para. 2 (B) of the ACAC Agreement modified according to Cairo's Protocol of 1975.

176. See art. 10, para. 2 (C) of the ACAC Agreement modified according to Cairo's Protocol of 1975.

tives of member states who are experts in the particular affairs of the committees in which they sit representing their states.

(b) Capacities

1. The Air Navigation Committee studies topics conveyed to it by the General Assembly and the General Secretariat, and suggests policies aiming at securing the safety, regularity and effectiveness of air transport and civil aviation and of air navigation development.

2. Air Transport Committee: It studies subjects transmitted by the General Assembly and the General Secretariat pertaining to legal, economic and facilitation matters, be it on the Arab or international levels, and suggests policies aimed at the development of air transport.

3. Training Committee: It studies matters conveyed by the General Assembly and the General Secretariat, and seeks to upgrade and improve the training and technical expertise of aviation personnel, by co-ordinating and co-operation between the training centres, colleges, and civil aviation institutes in the Arab countries.

(c) Meetings

1. The specialized committees meet at the request of the General Assembly, its president, two requesting member states, or pursuant to an invitation by the Secretary General who specifies the location, date and duration of the meeting according to the importance and number of subject matters to be discussed.

2. A committee's meeting is validated if attended by at least five members.

5. Financial Committee

The General Assembly forms, at an ordinary session, a financial committee of five member states for a duration of two years, during which it assembles at the last quarter of each year at the Secretary General's invitation to review the draft budget of the General Secretariat and examine the final accounts, and to study further any other matter of a financial nature submitted to it by the General Assembly or the General Secretariat.

The Committee's president prepares a report detailing its accomplishments, findings and recommendations to the Permanent Committee's president and the Secretary General. In this committee, the legal quorum to validate meetings is

established by the attendance of three members.

6. Temporary Committees

Unless stipulated otherwise by the General Assembly, temporary committees formed by the General Assembly to assume a certain role or several specific tasks during or following the meetings apply the same rules and provisions, applied by the sub-committees.

7. Special Provision

With regards to the activities of the sub-committees, the following rules apply:

1. Each sub-committee elects its own president and vice-president at the beginning of each meeting, while the General Secretariat assumes the secretarial functions.

2. The Committee's president presents a report to the General Assembly about the Committee's performance at the first session following the committee's meeting, granted that it would be handed to the General Secretariat nine weeks prior to the opening date so that it may attach the report to the work agenda and its related documentation.

3. Decisions sub-committees are taken by majority of votes cast, and the president shall cast the deciding

vote in the case of a tie.

C. Membership

The ACAC is composed of members of the Arab League and other Arab countries not members of the Arab League, which apply for membership and which are accepted by a two-thirds majority of the member states.¹⁷⁷ Each member state shall be entitled to one vote¹⁷⁸ the recommendations and resolutions are adopted by simple majority unless it is stipulated otherwise. The resolutions of the General Assembly are binding on the member states that accept them.¹⁷⁹ Moreover, Arab League states which have not become party to the ACAC Agreement, may do so through a declaration forwarded to the Secretary General who will in turn communicate it to the Council's members and the

177. See art. 1, para. D of the ACAC Agreement modified according to Cairo's Protocol of 1975.

178. See art. 7, para. A of the ACAC Agreement modified according to Cairo's Protocol of 1975.

179. See art. 7, para. B of the ACAC Agreement modified according to Cairo's Protocol of 1975.

Secretary General of the League of Arab States.¹⁸⁰ Furthermore, the Agreement, which was established by the Cairo's protocol of 1975, can be modified pending the approval of two-thirds of the Council's members, and that modification comes into force only one month after the presentation of the ratification documents by two-thirds of the members.¹⁸¹ The Agreement is subject to ratification by signatory states as soon as possible in accordance with their internal law. The instruments of ratification shall be deposited at the Arab League General Secretariat, which shall notify ratifications to other contracting states and to the civil aviation council when the latter is established.¹⁸²

Withdrawal from the Agreement. Any member State may withdraw from the Agreement by a written notification to the Council's president who, in turn, shall inform the Secretary General of the Arab League. Withdrawal takes effect one year following the date on which notification is

180. See art. 14 of the ACAC Agreement modified according to Cairo's Protocol of 1975.

181. See art. 12 of the ACAC Agreement modified according to Cairo's Protocol of 1975.

182. See art. 16 of the ACAC Agreement modified according to Cairo's Protocol of 1975.

received by the Council's president.¹⁸³

D. ACAC Dispute Settlement

ACAC is empowered to settle differences and disputes that may arise between two or more member states of the Council in the field of civil aviation relating to the interpretation or application of the ACAC Agreement which can not be settled by negotiation. Any dispute shall be brought to the attention of the Secretary General of the Council, who shall exert his best efforts to settle matters within a maximum period of sixty days from the date on which he was informed of the grievance. However, if the Secretary General does not reach a solution of the dispute between the member states which are in disagreement, he must take up the matter with the General Assembly of the Council in the first ordinary session or if necessary in an extraordinary session.¹⁸⁴

If the General Assembly can not reach a solution to a dispute during the session in which the dispute is sub-

183. See art. 15 of the ACAC Agreement modified according to Cairo's Protocol of 1975.

184. See art. 11, para. 1 of the ACAC Agreement modified according to Cairo's Protocol of 1975.

mitted, it then must raise the matter with the Council of the League of Arab States to settle the difference.¹⁸⁵ The state concerned may appeal the decision of the General Assembly in front of the Arab Court of Justice whenever founded. Until such time, the appeal may be made to the Council of the League of Arab States. Any such appeal shall be presented within sixty days of receipt of notification of the decision of the Council's General Assembly.¹⁸⁶

The judgment of the Arab Court of Justice, or the decision of the Council of the League of Arab States, and the decision of the General Assembly of the Arab Civil Aviation Council is considered final, and all states concerned shall be bound and committed to its application.¹⁸⁷ Finally, no member of the Civil Aviation Council shall be permitted to vote while a debate is underway at the General Assembly.¹⁸⁸

185. See art. 11, para. 2 of the ACAC Agreement modified according to Cairo's Protocol of 1975.

186. See art. 11, para. 3 of the ACAC Agreement modified according to Cairo's Protocol of 1975.

187. See art. 11, para. 4 of the ACAC Agreement modified according to Cairo's Protocol of 1975.

188. See art. 11, para. 5 of the ACAC Agreement modified according to Cairo's Protocol of 1975.

CHAPTER VACAC AS AN INTERNATIONAL ORGANIZATIONA. The Definition of ACAC as International Organization

In the preceding chapter, the constitution of ACAC and its major activities have been described. It is submitted that it has the main characteristics of an international organization. Perhaps the simplest but nevertheless authoritative definition of an international organization is that of Cheever: "as any cooperative arrangement instituted among States, by a basic agreement, to perform some mutually advantageous functions implemented through periodic meetings and staff activities".¹⁸⁹ ACAC satisfies the definition. It is a body created by states, the Arab states by treaty. It has had and it is intended to have a continuous existence. It is designed to and does serve the matters of concern to the Arab states. As noted, it is established by a treaty. The Agreement on the Civil Aviation Council of its states. That Agreement specifies the objectives and functions of the Council summed up in the preamble

189. Cheever, D.S., Organization for Peace, International Organization in World Affairs, Steven and Sons, Limited, London, 1956, p. 6.

Desiring to implement the provisions of 2nd Article (para. B) of the Arab League pact relating to close cooperation in the field of civil aviation by means of consolidating the air communications services between the Arab countries and co-operating in the field of air transportation in line with the progress of international aviation, and desiring also to co-ordinate their efforts and resources in the field of civil aviation towards the progress of civil air transport both internationally and in the Arab world.¹⁹⁰

The Council of Civil Aviation has a General Assembly which is required to meet regularly, at least one regular session every year and can hold extraordinary meetings, whenever necessary.¹⁹¹ It also has a Permanent Committee under the president of the General Assembly financed by contributions from member states.¹⁹² The General Assembly elects the fulltime Secretary General from amongst the member states by majority vote and the personnel of the Committee, the functions of which are specified in the Agreement.¹⁹³

Furthermore, the Council is an independent. It is

190. See the preamble of the ACAC Agreement of 1967.

191. See art. 6, para. A of the ACAC Agreement modified according to Cairo's Protocol of 1975.

192. See art. 10, para. 1 of the ACAC Agreement modified according to Cairo's Protocol of 1975.

193. See art. 5, para. 14 of the ACAC Agreement modified according to Cairo's Protocol of 1975.

designed to function separately from its member states. The Secretary General is elected for a term of three years and the qualifications are specified for his position.¹⁹⁴ The Secretary General would be directly responsible in front of the General Assembly for all his assigned duties and obligations.¹⁹⁵ The individual member states are not entitled to instruct the Secretary General and his personnel staff of their duties. The sole organ for instructions to the Council, i.e. the collectivity of member states. A member state may only secure it wishes by persuasion of the Council. This independence is reinforced by article 13 which confers upon the Council, its organs and the Secretary General and staff the immunities and privileges arising under the agreement on immunities and privileges of the League of Arab States. Lastly, the Council is required to conclude an agreement with the Arab League "to define the ways and means of their mutual co-operation".¹⁹⁶ Finally, the Agreement on Immunities and Privileges shields the whole

194. See art. 8, para. 2 of the ACAC Agreement modified according to Cairo's Protocol of 1975.

195. See art. 8, para. 3 of the ACAC Agreement modified according to Cairo's Protocol of 1975.

196. See art. 1, para. B of the ACAC Agreement modified according to Cairo's Protocol of 1975.

organization from indirect interference by member states.

B. Classification of ACAC as International Organization

(1) International organizations are classified usually with reference to membership and functions. As to membership, these may be bilateral international organizations, regional international organizations where geographical criteria with or without other criteria for membership are central. In the case of these organizations, membership is limited. Finally, these international organizations in which the objective is that all states become member.¹⁹⁷ ACAC clearly falls within the category of a regional organization limited geographically, with the addition of a cultural element as a prerequisite to membership. To be member of ACAC, a state must be an Arab state.

International organizations are classified as rather general in nature or as specialized in nature. The first have functions covering the whole range of matters of international concern, e.g., U.N.O., the Arab League and Organization of American States. The second is designed to specialize in a subject or subjects, e.g. OPEC and ICAO.

197. Norman Hill International Organization, Harper and Brothers Publishers, New York, 1951, p. 24.

Clearly, ACAC is a specialized organization under the auspices of the Arab League dealing with civil aviation matters. There is a parallel to the U.N.O. general functions and its specialized agency, ICAO, empowered to deal only with civil aviation questions.

The functions of international organizations are classified as legislative, judicial or administrative. Legislative functions include those functions which involve the prescription of a course of action or policies by the organization whose member states are asked to follow or are intended to be followed by the organization itself. To some extent, this aspect of an organization's functions is parallel to those of national legislatures but this analogy cannot be taken too far as the constitution of the organization will define the mandatory (or otherwise) character of its legislative acts.

Various procedures are used by international organizations to express their will, e.g. diplomatic conferences to prepare multilateral treaties, resolutions and recommendations. As the titles indicate, these are intrinsically different purposes but all usually require the specific assent of the member states concerned, e.g., ratification of a multilateral agreement. ACAC in fact employs two processes: (a) resolutions, and (b) multilateral treaties. The former are not binding on states. The

latter only become binding when ratified by states. It should be noted that the resolutions directed at the Secretariat are, as in the case of international organizations, binding.

Many international organizations have the judicial function of settling disputes between member states and this is usually limited to the interpretation and application of the Convention creating the organization. Article 11 of ACAC modified Agreement of 1975 invests such a function in the Council of ACAC with a right of appeal to the Arab Court of Justice. Once invoked by a member state, the other party or parties affected must submit to an arbitration. While the analogy of national judicial functions is attractive, there is a basic difference between the national and international legal system, the basic difference being the distinction made in national law between civil and criminal cases and the very limited jurisdiction conferred by article 11 of ACAC modified Agreement of 1975 and similar multilateral treaties.

In the system of international law, however, there can be no criminal prosecution.¹⁹⁸ There is no international criminal law applying to the actions of states, no prosecuting officials, and no courts with criminal jurisdic-

198. Goodspeed, Stephen S., The Nature and Functions of International Organization, New York, Oxford University Press, 1959, p. 552.

tion.¹⁹⁹ Moreover, the international tribunals do not possess compulsory jurisdiction over all disputes between states.²⁰⁰

In national governments, the courts have a compulsory jurisdiction; they are able to deal with criminal cases without the consent of the defendants, when these cases are instituted by the appropriate prosecuting authority, and in civil law cases the right of suit enables one individual to bring another into court without the latter's consent.²⁰¹

The executive functions of an international organization are normally described as administrative in character, for the executive has no coercive power. While the conventional view is that an international executive does not shape policy or enforce decisions,²⁰² it may be that this is an excessively formal understanding and fails to take into account the fact that the expertise of the executive of a specialized organization may influence the policy of the organization.

(2) Regional international organizations are

199. See supra, note 197, p. 19.

200. Ibid., p. 23.

201. Ibid., p. 23.

202. Ibid.

classified by reference to various criteria - the nature and scope of their functions, the nature of their membership or even by reference to the degree of integration amongst members which may be the eventual goal. A convention or system of classification divides regional organizations as follows:

(a) Co-operative or multipurpose organizations: The main characteristics of this type is to promote universal goals within specific geographical areas. Their activities cover not only social and economic matters but also matters of political and security values,²⁰³ like the League of Arab States.²⁰⁴

(b) Alliance-type organizations: These have a military and political orientation and are designed primarily to provide security against external actors.²⁰⁵ A typical example is the North Atlantic Treaty Organization (NATO).

(c) Functional organizations: This is the largest category of regional organizations,²⁰⁶ and those organi-

203. Bennett, A. Leroy, International Organizations, Principles and Issues, Second edition, Prentice Hall, Inc., Englewood Cliffs, N.J., 1980, p. 373.

204. See Chapter II, para. A.

205. See supra, note 203, p. 374.

206. Ibid., p. 373.

zations promote economic, social or political collaboration with little or no regard to security factors.²⁰⁷ The European Economic Community (EEC) and the Organization of Petroleum Exporting Countries (OPEC) are examples of this type and ACAC probably falls under this category.

207. Ibid., p. 392.

CHAPTER VI
ACAC AS A REGIONAL ORGANIZATION IN THE ARAB WORLD
AND ITS INTERNATIONAL LEGAL PERSONALITY

A. ACAC as a Regional Organization in the Arab World

Governments and certain aeronautical organizations often refer to groups of countries as regions or sub-regions in relation to civil aviation activities. The Arab Civil Aviation Council (ACAC) commonly uses the phrase "regional or sub-regional airlines" in documents which deal with air transport integration. As the subject of airline cooperation in the Arab countries is associated with this terminology, the term of regionalism does apply.

Regionalism in the sense of a community of purpose is feasible if three requirements are present.²⁰⁸ The basic requirement is a tranquil local environment emanating from the desire of states to maintain territorial integrity by means of peaceful co-existence and cooperation. External threats are minimized by a cordial relationship with neighbouring states. The second requirement of regionalism

208. Wassenberg, H., "The Future of Multilateral Air Transport Regulation in the Regional and Global Context", Annals of Air and Space Law, vol. VIII, McGill University, Montreal, 1983, p. 263.

is similarity in ethnic origin, culture, tradition, ideology or way of life. The third requirement is economic interdependence or sufficiently important common economic interests.²⁰⁹ Regions may be distinguished by geographical criteria such as the Arab countries, the North Atlantic, South American, European, the Caribbean and South East Asian countries. It is also proper to identify regional groupings on the basis of racial, ethnic, religious or ideological factors, but this method is uncommon in aeronautical relationships.

There are other types of regionalism transcending geographic, cultural and even ideological frontiers, especially among the developing countries. Because of the similarity of their socio-economic aspirations, representatives of developing countries usually take similar positions in international fora. Their effectiveness, as a group, is enhanced by a common approach to major issues and a prior discussion of important items at group preparatory meetings preceding international conferences.

Almost any type of regionalism presupposes some reduction or modification of sovereignty rights. For instance, the creation of a regional aviation organization depends upon the desire of states to closely coordinate

209. Ibid.

their aeronautical polices, with the ultimate aim of integrating the interests.²¹⁰ A regional aviation interest could lead to an integrated air sovereignty, creating a "regional air space", and eventually to the establishment of a regional group of states to strengthen their air transport relationship and to support by co-operative means, their airline industry. It is enhanced by the need to have contingency plans, to facilitate an impromptu joint strategy.

As many air transport problems are of regional rather than international interest, and as such would not be given sufficient attention in international fora, they are often dealt with at a regional level. It is now a common practice among regional airline organizations, such as AACO, to resolve differences among members and tackle problems of mutual concern before they attend IATA meetings. Thus regional collaboration plays an important role in strengthening world-wide multilateral collaboration in the framework of both IATA and ICAO. In turn, these international organizations encourage closer cooperation among member states and airlines within the regions.

Hence, a more active participation in these entities would increase prospects for air transport integration.

210. Ibid.

Nevertheless, regionalism is useful as demonstrating a desire to share the responsibility for meeting problems of peace and security by a group of states. No matter how local the organization, it is a step towards a stable and regulated world order.²¹¹

B. The Definition of the Concept of International Legal Personality

An international organization possesses legal personality if the member states by the constituent treaty, confer upon its organs powers to exercise certain functions in relation to the members and particularly the competence to enter into treaties or agreements with other subjects of international law.²¹²

There are two aspects which are considered of importance with respect to the legal personality of such international organization:

The international organization may be linked to a corporation that is in existence with a personality which is distinct from the legal personality of the individual states

211. See supra, note 197, p. 552.

212. Thomas, A.V. and Thomas, A.T., The Organization of American States, Southern Methodist University Press, Dallas, 1963, p. 42.

which ratified the treaty.²¹³

The second important point is that the international organization may be linked to the common law idea of partnership; namely an association in which each member has a dual legal personality and which dealt with group affairs as a whole as distinct from the affairs of an individual partner.²¹⁴ Moreover, all international organizations must operate on two levels - the level of international law and the level of municipal law.²¹⁵

Even though an international organization is admitted to have a legal personality on the international level, it does not necessarily follow that it has such personality on the municipal law level.²¹⁶ This depends on the municipal law of each individual state. It is interesting to note that when a new international organization is established, provision can be made in two ways for its legal capacity in the territory of a member state.²¹⁷

The first method is to embody special arrangements in the constitution of the organization. In that case, each

213. Ibid.

214. Ibid.

215. Ibid.

216. Ibid.

217. Ibid.

member state is obligated to take such steps by executive action or special legislation as may under its own constitution be necessary to grant the organization legal personality on the national level.²¹⁸

The other method is to provide the principle of legal personality on the national level in general terms in the constitutive instrument of the organization, and leave the details to be added either by independent national action or by international conventions regulating national action.²¹⁹ This method was chosen by the United Nation Charter of which states in article 104 "The organization shall enjoy in the territory of each of its members such a legal capacity as may be necessary for the exercise of its functions and the fulfillment of its purposes".

C. Regionalism and the United Nations Charter and Its International Legal Personality

1. Regionalism and the United Nations Charter

Article 52, para. 1 of the United Nations Charter provides that

Nothing in the present Charter precludes

218. Ibid.

219. Ibid.

the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations.

Also para. 2 of the same article states that

The Members of the United Nations entering into such arrangements of constituting such agencies shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council.

Furthermore, article 53 of the Charter mentions that "The Security Council shall where appropriate utilize such regional arrangements or agencies for enforcement action under its authority...".

In addition, the Covenant of the League of Nations in article 21 had made a provision for regionalism by stating that "Nothing in this Covenant shall be deemed to affect the validity of international engagements such as treaties of arbitration or regional understandings".

Therefore, there is no general agreement upon an exact definition of the concept "regionalism". For an international organization to be a regional one, physical proximity of states is considered by some to be the basic element since it may be more easy to develop a sense of

community in a compact geographical area.²²⁰

The universal acceptance of international organizations has facilitated relations between states and the sharing of responsibility for meeting problems that transcend borders. No matter how local the organization, it is a step toward a stable and regulated world order.²²¹ Indeed regionalism, as a process of consolidation, integrates various units within itself and may be able to supplement a universal system in various ways.²²²

2. The International Legal Personality of the United Nations

About half a century ago, international jurists would content themselves with the proposition that "the State is the only subject of international law".²²³ But now the concern of jurists is how to fit international organizations with legal capacity similar to that of states within the framework of existing legal principles and how to

220. See supra, note 197.

221. Ibid.

222. Ibid.

223. O'Connell, D.P., International Law for Students, London, Stevens and Sons, 1971, p. 26.

identify the organizations which have legal personality. Jurists, however, have come to the conclusion that if an international organization is to have a legal personality it must share with states some common factor which is the distinguishing index of the capacity to act.²²⁴ Capacity implies personality, but always it is capacity to do those particular acts.

Therefore, legal personality as a term is only shorthand for the proposition that an entity is endowed by international law with a legal capacity.²²⁵ The International Court of Justice (ICJ) warned in the Reparation for Injuries Suffered in the Service of the United Nations case against attributing uniform qualities to all persons.²²⁶

The subjects of law in any legal system are not necessarily identical in their nature or in the extent of their rights, and their nature depends upon the needs of the community.

Throughout its history, the development of international law has been influenced by the requirements of international life, and the progressive increase in the collective activities of States has already given rise to instances of action upon the international plane by certain entities which are not States.²²⁷

224. Ibid.

225. Ibid.

226. The International Court of Justice Report, 1949, p. 174.

227. Ibid.

The court came to the conclusion that the United Nations is an international person. That is not the same thing as saying that it is a state, which it certainly is not, or that its legal personality and rights and duties are the same as those of a state. What it does mean is that it is a subject of international law and capable of possessing international rights and duties and that it has a capacity to maintain its rights by bringing international claims.²²⁸

It must be acknowledged that its Members, by entrusting certain functions to it, with the attendant duties and responsibilities, have clothed it with the competence required to enable those functions to be effectively discharged ... whereas a State possesses the totality of international rights and duties recognized by international law, the right and duties of an entity such as the Organization must depend upon its purposes and functions as specified or implied in its constituent documents and developed in practice".²²⁹

So far as the United Nations was concerned, it was provided, in general terms in article 105 of the Charter that the Organization, i.e., United Nations, should enjoy in the territory of each member state such privileges and immunities as were necessary for the fulfillment of its purposes, that representatives of member states and officials of the organization should similarly enjoy such

228. Ibid.

229. Ibid.

privileges and immunities as were necessary for the independent exercise of their functions in relation to the United Nations, and that the General Assembly might make recommendations or propose Conventions for the detailed application of these general provisions. Similar stipulations on this subject were inserted in the various constitutions of the specialized agencies and the treaties and agreements relative to general and regional international institutions, in some instances in a more specific and more detailed form.²³⁰

D. Regionalism and the ICAO and its International Legal Personality

1. Regionalism and the ICAO

The International Civil Aviation Organization (ICAO), one of the specialized agencies operating within the framework of the United Nations, is presently composed of

230. See art. 1 Juridical Personality of the General Convention on the Privileges and Immunities of the United Nations:

- 1) The United Nations shall possess juridical personality. It shall have the capacity
 - a) to contract;
 - b) to acquire and dispose of immovable and movable property;
 - c) to institute legal proceedings.

159 contracting states. By the agreement between the United Nations and ICAO made in 1947, ICAO holds the recognition of its status as a specialized agency in accordance with article 57, para. 1, of the United Nations Charter which states that

the various specialized agencies, established by intergovernmental agreement and having wide international responsibilities, as defined in their basic instruments, in economic, social, cultural, educational, health and related fields, shall be brought into relationship with the United Nations in accordance with the provisions of article 63.

Para. 2 of the same article states that "such agencies thus brought into relationship with the United Nations are hereinafter referred to as specialized agencies".

The aims and objectives of ICAO are to ensure safe and orderly growth of international civil aviation throughout the world and to promote safety of flight in international air navigation.²³¹ Therefore, the contracting states of the Chicago Convention of 1944 agreed "on certain principles and arrangements in order that international civil aviation may be developed in a safe and orderly manner, and that international air transport services may be established on the basis of equality of opportunity and

231. See art. 44 of the Chicago Convention of 1944.

operated soundly and economically.²³²

Therefore, the ICAO has general powers to adopt standards and practices and procedures dealing with air navigation aids, characteristics of airports, rules of the air and air traffic control practices, licensing of personnel, airworthiness of aircraft, registration and identification, meteorological information log books, charts, customs and immigration procedures, distress of aircraft and investigation of accidents.²³³ Any State which finds it impracticable to comply with the adopted standards or procedures must immediately notify the ICAO of the differences between its own practices and those established by international standards.²³⁴

Aeronautical organizations set up on the basis of geographical proximity of the participating entities, or their common interest fall into three broad categories: first of all intergovernmental consultative institutions; second, non-governmental bodies formed by groups of airlines and finally, organizations of special interest groups.

The first two categories of regional bodies carry

232. See the preamble, para. 3 of the Chicago Convention of 1944.

233. See art. 37 of the Chicago Convention of 1944.

234. See art. 38 of the Chicago Convention of 1944.

out technical and economic regulatory functions similar to those performed on a global level by ICAO and IATA. They are concerned with matters related to air policy such as the harmonization of civil aviation laws and regulations, the exchange of statistics, air transport tariffs, the regulation of non-scheduled operations, inter-carrier economic and technical co-operation, regional cabotage and traffic rights.

ICAO is currently associated with various organizations, which participate as observers at ICAO meetings and conferences.

Existing intergovernmental institutions include the European Civil Aviation Conference (ECAC) founded in 1954, the Arab Civil Aviation Council (ACAC) established in 1967, the African Civil Aviation Commission (AFCAC) formed in 1969, and, the Latin American Civil Aviation Commission (LACAC) created in 1973. These intergovernmental institutions work closely and co-ordinate their activities with ICAO.

2. International Legal Personality of the ICAO

Article 47 of the Convention states that "The organization shall enjoy in the territory of each contracting 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". Like the United Nations Charter of 1945, no express mention is made of international legal personality of the Chicago Convention of 1944.²³⁵

Article 64 of the Chicago Convention is also concerned with the legal personality of ICAO under the municipal law of the state or states concerned. But, apart from the Headquarters Agreement with Canada and the affiliation agreement with the United Nations, the Convention authorizes the Organization to enter into agreements with respect to air matters within its competence directly affecting world security with the United Nations,²³⁶ "agreements with other international bodies for the maintenance of common services and for common arrangements concerning personnel",²³⁷ "such other arrangements as may facilitate the work of the Organization",²³⁸ and, through the ICAO Council, agreements with contracting states for the

235. Cheng, B., Law of International Air Transport, London, Stevens and Sons, New York, Oceana Publications Inc., 1962, p. 38.

236. See art. 64 of the Chicago Convention of 1944.

237. See art. 65 of the Chicago Convention of 1944.

238. See art. 65 of the Chicago Convention of 1944.

provision of technical or financial assistance regarding airports and air navigation facilities.²³⁹ As a result, the Advisory Opinion of the International Court of Justice on the international legal personality of the United Nations and its capacity to bring international claims appears, therefore, are equally applicable to ICAO.

Therefore, it is quite clear from this point of view that ICAO has an international legal personality as any similar organization in the world. This legal personality entitles ICAO to make treaties or agreements either with states or other organizations.

E. International Legal Personality of ACAC

ACAC does have a legal personality distinct from the legal personalities of the individual states which compose it, for legal powers and responsibilities are attributed to it.

Therefore, by analogy ACAC possesses legal capacity or legal personality as a regional organization in Arab countries concerned with civil aviation.²⁴⁰ Moreover,

239. See art. 7C of the Chicago Convention of 1944.

240. See art. 1, para. A of the ACAC Agreement modified according to Cairo's Protocol of 1975.

ACAC requires a legal personality to achieve its aims and goals. Such legal personality enables this organization to conclude special agreements, to negotiate, the right to bring claims, protest, request for an inquiry, etc. In fact, those rights arising from its personality constitute in their totality the "capacity to operate upon an international plane".

In addition, ACAC as a regional organization between Arab states in the field of the civil aviation cannot pursue purposes other than those established in their constituent documents, nor convert functional means into purposes, nor perform functions or exercise powers other than those provided in its constitution unless they are to be implied through the link of necessity.²⁴¹ It is interesting to note that the aims and objectives of ACAC are to develop the principles, techniques and economics relating it both in the Arab and the international field.

Moreover, the immunities and privileges of ACAC apply to the meetings, committees and members of the Council as well as to Permanent Committee, its president and personnel.²⁴²

241. See art. 2 of the ACAC Agreement modified according to Cairo's Protocol of 1975.

242. See art. 13 of the ACAC Agreement modified according to Cairo's Protocol of 1975.

CHAPTER VIIACAC RELATION WITH OTHER ORGANIZATIONS WORLDWIDE

The ACAC Agreement provides that ACAC shall, in the exercise of its function, work in close relation and cooperation with ICAO,²⁴³ and shall co-operate to the fullest extent with the Arab League and other international organizations such as AFCAC, AACO, and IATA.

It must be pointed out at the outset that ACAC is a specialized agency acting within the framework of the Arab League.

A. ACAC Relationship with ICAO

ACAC cooperates closely with ICAO to further the mutual objectives of ensuring the safe and orderly development of international civil aviation. This cooperation seeks to avoid duplication of effort and includes the coordination, to the extent possible, of civil aviation plans and programmes in the Arab countries as well as cooperation in the development of the civil aviation infrastructure, facilities and services in the Arab regions.

243. See art. 5, para. 4 of the ACAC Agreement modified according to Cairo's Protocol of 1975.

Such cooperation also covers the exchange of technical information and documentation; consultation between ICAO and ACAC on questions of common interest; mutual exchange of invitations to relevant meetings of each organization, including seminars, symposia and workshops.

Relations between ACAC and ICAO have always been marked by close co-operation. Reciprocal representation at meetings and exchanges of information have been both frequent and fruitful and the co-operative relations between two organizations in the operation of Gulf College for Civil Aviation in Qatar is an example of this co-operation.

This close relationship continues to evolve in a spirit of mutual co-operation for the benefit of both organizations.

B. ACAC Relationship with AFCAC

Strong relations exist between ACAC and AFCAC; nine Arab States are members of both organizations. These are: Egypt, Sudan, Somalia, Djibouti, Libya, Tunisia, Algeria, Morocco, and Mauritania. A draft agreement between ACAC and AFCAC considers that the objective of both organizations is to develop air navigation principles and techniques and to promote the efficiency, safety and economical operation of air transport. Both organizations shall co-operate in all

matters relevant to their common objectives in respect of civil aviation in all regions.

To coordinate and harmonize their activities in their respective fields of interest, AFCAC and ACAC shall consult and co-operate in the consideration of all matters which may be discussed in international meetings and particularly in the meetings of ICAO. To promote cooperation between ACAC and AFCAC member states, each party shall invite the other to attend conferences and meetings of common interest organized by the other party.

C. ACAC Relationship with IATA

ACAC intends to establish its own Tariff machinery to set fares at lower levels within, and eventually from, the Arab countries. The main purpose is to highlight to the world ACAC's duty to protect the interests of the Arab travellers. So far, the Arab carriers have reacted strongly against this development; the situation continues to be under the control of AACO members which support IATA (TCC) and multilateral negotiations. However, a few governments are starting to look closely at TCC results, especially when fare increases are adopted and, in some instances, orders/directives have been issued to modify the agreements and/or impose new conditions.

D. ACAC Relationship with Arab League

Article 1 para. B of the ACAC modified Agreement of 1975 provides ACAC shall conclude an agreement with the Arab League to define the ways and means of their mutual cooperation. Members of ACAC are member states of the Arab League and the Arab countries not member of the Arab League seeking to adhere to ACAC shall be accepted by a two-third majority.

E. ACAC Relationship with AACO

ACAC maintains close contact with the related regional organizations in the Arab countries, such as the Arab Air Carriers Organization (AACO) so that each organization can be informed about the activities of the other and be able to coordinate the work for which it is mainly responsible. There is also the need to strengthen cooperation and coordination between ACAC and AACO for the achievement of common objectives and the promotion of civil aviation and air transport in Arab countries and to provide the technical and economic conditions insuring their prosperity.

Moreover, they exchange results of research, studies, publications and statistics, to strengthen statistical work in the field of air transport and to participate

in studies and research for the development of economic operations.

CHAPTER VIII
ACAC FUNCTIONS AND POLICIES

A. ACAC Functions

The basic functions of ACAC are spelled out in article 5 of its constitution which provides that the Council shall perform all functions necessary for the realization of its objectives, particularly the following:²⁴⁴

1) Determine its own internal rules and arrangements necessary for the implementation of its policies.²⁴⁵

2) Approve the annual budget of the Council and determine the quota of each member State.

3) Cooperate to the fullest extent with the League of Arab States, international organization, and in particular with the International Civil Aviation Organization (ICAO), for accomplishment of the common objectives and for the progress and welfare of civil aviation.²⁴⁶

244. See art. 5 of the ACAC Agreement modified according to Cairo's Protocol of 1975.

245. ACAC unified Arab air law in 1972.

246. See Chapter VII, the relationship between ACAC and other international organizations.

4) Study the international Standards and recommended practices relating to civil aviation and adopt those proven in the interest of the Arab states.

5) Examine international civil aviation agreements and recommend to member states to adhere to those which the Council considers of benefit to them.

6) Aim at the unification of procedures, legislation and terminology in Arab countries.

7) Explore the means which will ensure the welfare and progress of civil aviation in Arab countries.²⁴⁷

8) Conduct research work on the various aspects of air transport and air navigation and facilitate the exchange of such information between the countries.²⁴⁸

9) Consider each situation which impedes the progress of air navigation in the Arab countries at the request of any member state and make suitable recommendations.

10) Settle the differences and disputes that may arise between member states according to article 11 of this agreement.

11) Study air fares on all Arab air routes and issue relevant recommendations.²⁴⁹

247. See the preamble of the ACAC Agreement of 1967.

248. See ACAC policies at this Chapter.

249. Ibid.

12) Elect the Permanent Committee and establish sub-committees to debate the subjects submitted by the Council.²⁵⁰

13) Appoint the Secretary General and determine the appointments of the principal officers.

14) Issue the resolutions and recommendations deemed necessary for the progress and welfare of civil aviation and air navigation.

15) Delegate to the Secretary General and the Permanent Committee.

16) Elect both vice-presidents from among representatives of the member states in order to assist the president during the Convention period of the General Assembly.

B. ACAC Policy in General

1. Scheduled and Non-scheduled International Air Transport

ACAC attempts to achieve and maintain harmony between scheduled and non-scheduled air transport and to

250. See art. 10 of the ACAC Agreement modified according to Cairo's Protocol of 1975.

cooperate in the development of strong and harmonious regulations for both scheduled and non-scheduled air transport. Its motives are the promotion, development and growth of international civil aviation on sound and economic basis and in accordance with the requirements of common interests.²⁵¹ It seeks to provide travellers with reasonable opportunities to make use of non-scheduled air transport without any damage or harm to economics of scheduled air transport.²⁵²

ACAC also seeks to provide scheduled services with the opportunity to achieve proper harmony between available capacity and available traffic.

ACAC recommends the application of scheduled services regulation to non-scheduled services that are directly or indirectly open to the public.²⁵³ It considers scheduled services as the main element in the provision of international system of scheduled air transport for the carriage of passengers, cargo and mail at reasonable

251. At its Sixteenth Session (January 1978), the ACAC adopted a statement of "General Policy on Scheduled and Non-scheduled International Air Transport" (ACAC Decision No. S-16-3).

252. Ibid.

253. Ibid.

economic rates and fares that are suitable for all.²⁵⁴

Finally, ACAC's policy for scheduled and non-scheduled transport emphasizes the removal of any restrictions that may undermine the ability of scheduled services to absorb non-scheduled traffic through the approval of promotional fares and rates between the Arab countries in both services; scheduled and non-scheduled.²⁵⁵

2. ACAC Position in the International Rates and Fares System

ACAC takes into consideration the views of states having airlines that are non-IATA members, in the process of reviewing air transport tariffs and encourages airline companies in the Arab countries to convene regional meetings to insure that in the establishment of international rates and fares, the views of all airlines which operate in the related routes have been taken into account.²⁵⁶ ACAC also recommends that airlines which are parties to tariff agreements, whether bilateral or multilateral, consult,

254. Ibid.

255. Ibid.

256. See Chapter VII, the relationship between ACAC and IATA.

prior to negotiation, with the civil aviation authorities on tariff proposals, and to file for approval the final tariff agreed between airlines and seeks the inclusion of uniform procedures for these processes in national legislations. It encourages states to refrain as much as possible from taking any unilateral measures that may have a negative effect on the efforts of carriers to reach such agreement, and supports the efforts of airlines at international tariff conferences.²⁵⁷ ACAC urges carriers to participate in the integrated system for the establishment of tariffs of scheduled and non-scheduled services. It supports airlines in adopting to the changing international economy and financial and monetary conditions.

ACAC also seeks the establishment of an integrated distribution system in the field of international services of which agents would form an inseparable part, and which would permit scheduled operators to establish and retail directly to the public programmed charter flights.

In the field of international fares and rates, ACAC sponsors regular consultations between the states party to bilateral air services agreements urging them not to exercise their right to deny or to limit tariffs, until they

257. Rosenfield, Stanley, B., The Regulation of International Commercial Aviation, issued November 1984, Booklet 17, p. 6.

have taken into consideration the views of all the interested states.²⁵⁸ Finally, it urges consultation between member states before issuing government orders with respect to international tariffs and urges that such orders should not be issued or any other unilateral measures taken that would undermine the structures of unanimously agreed tariffs.

3. ACAC Seeks to Promote Flexibility for the Achievement of a Good Balance Between Tariffs Available and Capacity Available, Keeping in Mind the Movement of Scheduled and Non-scheduled Air Services

ACAC also promotes the establishment of uniformity of policies and regulations of Arab countries and other foreign states in relation to control of capacity available. Moreover, ACAC recommends that carriers of the parties to an air services bilateral agreement have a fair opportunity in offering the capacity necessary for transport of scheduled and non-scheduled traffic to ensure equity and common benefit among them.²⁵⁹ ACAC seeks to promote the regulation of capacity available on routes and sectors agreed upon

258. Ibid.

259. See supra, note 251.

in bilateral international air services agreements in accordance with the level of capacity which is accepted by the contracting parties before starting the operation.²⁶⁰

However, this must be done on the basis of fair and effective opportunity, taking into consideration the requirements of traffic available for scheduled or non-scheduled air services, the Third and Fourth Freedoms traffic flows and general and regional interests. Moreover, it encourages national airlines to make optimal utilization of their resources in a manner that guarantees an adequate and regular share of available air transport facilities. This should be done through the development of arrangements with airlines of other countries as appropriate and subject to government approval. ACAC promotes action to watch closely the capacity factors and standard of services offered to the public, to subject the level of capacity to a systematic review with the approval of the civil aviation authorities of both contracting parties, on the basis of the joint recommendation of national carriers, and in the light of operational economic indicators and subsequent variable in traffic requirements.²⁶¹

260. Ibid.

261. See supra, note 236.

4. ACAC and Air Transport Fares and Rates

It is ACAC policy that member states make international tariff contraventions a matter of investigation and subject to deterrent penalties.

ACAC seeks to make it an obligation on all operators under state jurisdiction, including scheduled carriers and operators of fixed-programme charter flights as well as air transport agents, to file with civil aviation authorities the fares and the rates of international air services, the agent's commissions and terms of services (international air services tariffs). ACAC also promotes the establishment of an active and efficient machinery under the supervision of civil aviation authorities for investigating any tariff contraventions on the part of carriers, passengers and cargo agents, tour organizers and freight forwarders, and to take the necessary preventive measures, including the imposition of penalties on a continuing and regular basis. Another function of ACAC is to take the necessary steps to insure that operators into and from the territory of the state should adopt appropriate means to secure compliance with the tariffs filed with governments and approved by the latter.²⁶²

262. Ibid.

It supports the efforts of the IATA compliance machinery as far as IATA members are concerned, and promotes cooperation and exchange of information between governments and operator agencies responsible for tariff compliance. Finally, ACAC recommends the inclusion in bilateral agreements of articles to insure, so far as possible, compliance with the above-mentioned requirements, and also to exert maximum efforts for the removal of any practices of tariff contravention.²⁶³

5. ACAC Policy on Technical and Economic Cooperation
Among Arab Countries in the Field of Air Services

Under this heading, ACAC promotes technical and economic cooperation in the field of air services in the Arab region within the framework of the Arab Air Carriers Organization, especially in the establishment of joint centres for the training of air crew and personnel in the sectors of maintenance, ground services, marketing and passenger handling.²⁶⁴

ACAC also accords importance to the establishment

263. Ibid.

264. See Chapter VII, the relationship between ACAC and AACO.

of joint centres for aircraft maintenance and overhaul and exchange of engines and spare parts, as well as the cooperative purchase of aeronautical equipment and supplies.

Furthermore, ACAC promotes the joint planning of an Arab air route network in such a way as to insure the strengthening of economics of operation and realization of integration between the Arab air carriers, operating plans and coordination of flight schedules. Facilitating the exchange, charter and lease of aircraft between Arab air carriers is another area of concern for the procurement and operation of modern and sophisticated equipment whose costs are excessively high, coordinates efforts in the operation of international air services of Arab carriers, especially in pooling and joint operation of long-haul air services that require the mobilization of operating and marketing potentialities, and exchange of services of ground operations and commercial agencies.²⁶⁵ Moreover, ACAC insures the availability of modern materials, equipment and trained personnel for the provision of ground facilities and services for aircraft, crew, passengers, luggage, cargo, and mail, in a manner that brings such facilities and services closer to international standards. ACAC also promotes technical cooperation among Arab civil aviation administrations

265. See supra, note 245.

in the solution of any problems or bottlenecks that impede the harmonious movement of air transport.²⁶⁶

266. Ibid.

CHAPTER IX
ACAC ACHIEVEMENTS

A. Convention on Search and Rescue Cooperation Between Arab States

ACAC has drawn up a Convention on SAR in 1972, considering the importance of the search and rescue services in the field of civil aviation, and also desiring to lay down the basis for co-operation between Arab states in this field for the purpose of providing prompt and efficient assistance to aircraft and persons in distress, regardless of their nationality. The Convention was inspired by the provisions of article 25 of the Chicago Convention of 1944 which states that

each contracting State undertakes to provide such measures of assistance to aircraft in distress in its territory as it may find practicable and to permit subject to control by its own authorities, the owners of the aircraft for authorities of the State in which the aircraft is registered to provide such measures of assistance as may be necessitated by the circumstances. Each contracting State, when undertaking search for missing aircraft, will collaborate in coordinated measures which may be recommended from time to time pursuant to this Convention.

It was also inspired by the provisions of article 5 of the ACAC modified Agreement of 1975 which lists the functions of the Council. The Convention was prepared in compliance with

a resolution dated on December 9, 1972, issued by ACAC at its Tenth Ordinary Session in Doha, Qatar. The session was attended by 13 members of the ACAC and by several regional and international organizations such as ICAO, IATA, AACO, and the Arab League.

The purpose of this Convention as stated in article 1 is to ensure the cooperation, to the greatest possible extent, of the search and rescue (SAR) services in the field of civil aviation, and the coordination between the facilities providing these services in order to improve efficiency when an aircraft is in distress.²⁶⁷ The Search and Rescue Cooperation Convention between Arab States is the first regional Convention of its kind in the world.

B. ACAC Unified Arab Air Law

Civil aviation has been considered as one of the vital public utilities in promoting friendship among the developed and developing nations.

The developing nations have regarded the development of their civil aviation as a mirror reflecting their own progress and as a yardstick measuring the extent of such

267. See art. 1 of the Convention on SAR between Arab States of 1972.

progress. It is a fact that the constant development of civil aviation legislation parallels the development of civil aviation itself and every state must ensure its civil aviation legislation suits and fits the conditions of air navigation of aircraft both nationally and internationally. However, harmonization of such laws in Arab countries was regarded at the highest political level as being a basic contribution to the development of civil aviation and in particular the air transport industry. Consequently, unified law of civil aviation for Arab countries was prepared under the auspices of the Arab Civil Aviation Council, the Arab League and the International Civil Aviation Organization. Its purpose and aim is to harmonize the air laws of Arab countries. The unified law, as it was prepared for the requirements of a number of countries, left room for adaption of the law to the constitutional and other requirements of each country which was likely to adopt it. Furthermore, its very nature as a law for many countries resulted in compromises which dictated a certain awkwardness in the drafting of certain provisions.

The unified law of ACAC contains seventeen chapters comprising two hundred and seventeen articles.

C. Arab Aviation Day and ACAC Award

The Arab Civil Aviation Council at its Eleventh Annual Session held in Baghdad during the period December 1-10, 1973, adopted a resolution to celebrate an Aviation Day every year; December 21st was chosen to commemorate the unveiling of the statue in Bagdad in honour of Abbas Bin Farnas. It was also decided to introduce an annual award bearing his name, to be granted to the author of a study in the field of aviation covering a specific subject chosen by a special committee.

It should be mentioned here, that Abbas Bin Farnas is considered to be the first man who attempted in the 9th century to fly by attaching wings to his body and jumping from a tower. He was born in East Iberia and lived in Cordoba where he achieved fame for his versatile scholarly abilities. But he was best known for his attempt to invent a machine by which man could fly. As for award, it will be offered on this commemoration day to the best study written on an aviation subject. The award winner will be offered \$3000 and a silver medal imprinted with the name and insignia of the ACAC on one side and with the name and picture of Abbas Bin Farnas on the other side. The award may not be offered to the same person more than once every five years.

D. Calibration of Navigation Aids

ACAC felt the need for a unit to calibrate navigational aids in the Arab countries and proposed setting up a joint project for the purpose. But as with most such attempts, some members were more interested than others. The establishment of an Arab Air Navigation Calibration Unit was considered in December 1973 at a meeting of ACAC held in Baghdad. The meeting adopted a resolution rejecting this project and replaced it by Algerian Calibration Unit that was deemed suitable to undertake calibration tests for airports all over the Arab countries, having proved to be an efficient and reliable unit and which was operating in mostly Arab areas. It was accordingly recommended that all Arab countries utilize this unit, and be given support by them.

ACAC has also undertaken work in the field of agricultural aviation with its aim of unifying and coordinating efforts in this field in particular to secure more economical use of equipment. It has also translated into Arabic aviation conventions and the more important ICAO Documents. This is no invaluable service for Arabic people working in civil aviation who do not comprehend the languages customarily used.

CONCLUSION

International organizations are very varied in nature. Some, like the United Nations and the Specialized Agencies, are world-wide. Others are continental, like the Organization of African Unity (OAU), regional or ethnic, like the League of Arab States and Specialized Agencies like the Arab Civil Aviation Council (ACAC). ACAC as specialized agency of the League of Arab States between Arab countries deals with the civil aviation matters.

The creation of the Arab Civil Aviation Council by Arab States in 1967 to increase the reliability and efficiency of air traffic services in the Arab regions is considered to be a good example of what a regional organization can achieve. Regional organizations could not be isolated from world-wide civil aviation due to the very nature of civil aviation. Therefore, efforts of the regional organizations must be parallel and complementary to the similar efforts of the International Civil Aviation Organization (ICAO) towards fostering the orderly development of civil aviation. Regionalization in civil aviation should never lead to a polarization by creating rivalry between the regions.

Moreover, air transport in the Arab States is of great importance because of the vast geographical dimensions

and the lack of other means of ground transportation systems.

The Arab states fall, from an economic, social and cultural point of view, into the category of developing countries, and need very close cooperation to meet the high cost of the air transport industry and to overcome the technical difficulties. ACAC may play a significant role in creating a spirit of cooperation on civil aviation matters between the Arab countries.

ACAC needs the support of ICAO and other inter-governmental and non-governmental international organizations to obtain and evaluate statistical data in regard to civil aviation matters.

Within the framework of ACAC, the Arab states are engaged in collaboration, co-ordination and exchange of experience to reach the optimal standards in realizing the common objectives in the interests of civil aviation and Arab international air transport as well as in ensuring its safety in a manner that corresponds with the goals of ICAO. It has also adopted a number of important provisions aiming at the suppression of unlawful seizure of aircraft and the suppression of unlawful acts against the safety of civil aviation, defining the competence of aircraft commander and crew, as well as the jurisdiction and duties of states.

This is meant to ensure the maximum degree of protection for the civil aviation industry and the safety of aircraft, passengers, baggage, cargo and mail.

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APPENDIX A

AGREEMENT

ON THE CIVIL AVIATION COUNCIL

OF ARAB STATES OF 1967

AGREEMENT
ON THE CIVIL AVIATION COUNCIL OF ARAB STATES

The Governments of :

The Hashemite Kingdom of Jordan,
The Republic of Tunisia,
The Popular Democratic Republic of Algeria,
The Democratic Republic of Sudan,
The Republic of Iraq,
The Kingdom of Saudi Arabia,
The Syrian Arab Republic,
The United Arab Republic,
The Arab Republic of Yemen,
The State of Kuwait,
The Republic of Lebanon,
The Lybian Arab Republic,
The Kingdom of Morocco,

Desiring to implement the provisions of the 2nd article (para. B) of the Arab League Pact relating to the close co-operation in the field of aviation by means of consolidating the air communication services between the Arab Countries and co-operating in the field of air transportation in line with the progress of international aviation, and desiring also to co-ordinate their efforts and resources in the field of civil aviation towards the progress of civil air transport both internationally and in the Arab world ; the above mentioned Arab States have agreed to the following provisions, which were approved by the Arab League Council at its 43rd ordinary session held on the 21st of March 1965, and invited the member governments to adhere to them.

CHAPTER I
THE COUNCIL

Article 1 :

Membership

- a) A Council shall be established and be named the Civil Aviation Council of Arab States. Its seat shall be the permanent seat of the League of Arab States. It may hold its sessions elsewhere if so decides.
- b) The Council shall be composed of States members of the League of Arab States and other Arab Countries not member to the Arab League requesting to adhere and which are accepted by a two thirds majority.

Article 2 :

Objectives

The aims and objectives of the Council are to develop the principles, techniques and economics relating to air transport fostering and encouraging it both in the Arab and the International fields.

Article 3 :

Functions of the Council

The Council shall perform all the functions necessary for the realisation of its objectives particularly the following :

1. Determine its own internal rules and arrangements necessary to the implementation of its functions.
2. Approve the annual budget of the permanent bureau of the Council and determine the quota of each member State.
3. Co-operate to the fullest extent with the League of Arab States, International Organizations, and in particular, with the International Civil Aviation Organization, for the accomplishment of the common objectives and for the progress and welfare of civil aviation.

4. Study the international standards and recommended practices relating to civil aviation and adopt what meets the interest of the Arab States.
5. Examine International Civil Aviation Agreements and recommend to member States to adhere to those which the Council considers of benefit to them.
6. Aim at the unification of procedures, legislation and terminology in Arab Countries.
7. Explore the means which will ensure the welfare and progress of civil aviation in Arab Countries.
8. Conduct researches on the various aspects of air transport and air navigation and facilitate the exchange of such information between the Countries concerned.
9. Consider each situation which impedes the progress of air navigation in the arab countries at the request of any member State and make suitable recommendation.
10. Settle the differences and disputes that may arise between member States in the field of civil aviation if these disputes are brought to the attention of the Council by the countries concerned. This, however, does not apply to differences relating to the interpretation or implementation of this agreement which are governed by the provisions of article 10 of the agreement.
11. Study travel fares on all arab air routes and issue relevant recommendations.
12. Establish sub-Committees to discuss the subjects referred by the Council.
13. Appoint personnel of the permanent bureau upon the proposition of the Council's President.

Article 4 :

V o t i n g

1. Each member State shall be entitled to one vote.

2. Resolutions and recommendations are taken by simple majority unless it is stipulated otherwise. The resolutions of the Council are binding to the member states that accept them.

Article 5 :

**Appointment of the President and
two Vice-Presidents**

1. The Council shall appoint by its majority a full time President, for a term of three years, selected from among the citizens of member states, who shall be a specialist in aviation matters. He may be re-appointed for only one term.
2. The Council shall elect by simple majority two Vice-Presidents from among representatives of the member States. However, the elected Vice-Presidents, would retain their capacity as representatives of their respective countries.

Article 6 :

Competences and duties of the President

1. Convene meetings of the Council.
2. Preside over its sessions and direct discussions without having a counted vote.
3. Serve as representative of the Council.
4. Carry out on behalf of the Council the functions which the Council assigns to him.
5. Submit to the Council the annual draft budget of the permanent bureau for ratification.
6. Head the permanent bureau, supervise its work and propose the appointment of necessary personnel.
7. Lay down the internal rules of the bureau and referring them to the Council for final decision.

Meeting of the Council

1. The Secretary General of the League of Arab States shall call the first meeting of the Council one month after the depositing of instruments of ratification by four member States.
2. Thereafter the Council shall hold two ordinary sessions every year upon the call of its President. Extraordinary meetings of the Council may be held, whenever necessary, at the request of one member state or the President.
3. A majority of the member states is required to constitute a quorum for the meeting of the Council.

CHAPTER II

THE PERMANENT BUREAU

Article 8 :

Composition of the Bureau

1. The Council shall have a permanent bureau composed of the President and sufficient number of technical and administrative personnel.
2. The President shall supervise the bureau's work and shall be responsible before the Council for all the duties entrusted to it.
3. The President of the Council and the personnel of the permanent bureau shall not receive instructions in regard to the discharge of their responsibilities from any authority external to the Council.

Article 9 :

Competences of the Bureau

The bureau shall undertake the following :

1. Prepare studies and researches required by the Council.

2. Undertake preparatory duties for the meetings of the Council and its sub-committees and communicate its resolutions to the member States.
3. Prepare working papers, and studies on the subjects included in the draft agenda of the Council and its sub-committees and distribute them to the member States at least one month before the Council's meeting.
4. Draft the agenda of the meetings and refer it to the Council for approval.
5. Communicate to the Council every request for adherence or withdrawal submitted by any Arab Country.
6. Submit to the Council an annual report on the activities of the bureau.
7. Follow up the implementation of the Council's resolutions and recommendations with civil aviation departments in the member States.

CHAPTER III

GENERAL PROVISIONS

Article 10 :

Settlement of disputes

If any disagreement between two or more member states relating to the interpretation or application of this agreement cannot be settled by negotiation, it shall, on the application of any States concerned in the disagreement, be settled by the Council.

No member of the Council shall vote in the consideration by the Council of any dispute to which it is a party.

The State concerned may appeal from the Council's decision to the Arab Court of Justice when the latter is established. Until the establishment of the Court appeals may be made to the Council of the League of Arab States. Any such appeal shall be notified within

sixty days of receipt of notification of the decision of the Civil Aviation Council.

Article 11 :

Amendment to the Agreement

Any proposed amendment to this agreement must be approved by two-thirds of the Council's members and shall then come into force one month after the depositing of instruments of ratification by two thirds of the Council's members.

Article 12 :

Application of Immunities & Privileges of the League of Arab States to the Council and its Permanent Bureau

The agreement on immunities and privileges of the League of Arab States applies to the meetings, committees and members of the Council as well as to the Permanent Bureau, its President and Personnel.

Article 13 :

Relationship between the League of Arab States and the Civil Aviation Council

The League of Arab States and Civil Aviation Council shall conclude an agreement to define the ways and means of their mutual co-operation.

Article 14 :

The non-signatory State member of the Arab League may join this agreement by a declaration to be dispatched to the Council's President who will in turn, communicate it to the Council's members and to Secretary General of the League of Arab States.

Article 15 :

Denunciation from the Agreement

Any member State may denounce this agreement by a written notification to the Council's President who, in turn, informs the Secretary General of the League of Arab States.

Denunciation shall take effect one year following the date on which notification is received by the Council's President.

Article 16 :

Ratification of the Agreement

This Agreement shall be subject to ratification by signatory States as soon as possible in accordance with their internal regulations. The instruments of ratification shall be deposited at the Arab League General Secretariat, which shall communicate the depositing minutes of each member States to other contracting States and to the Civil Aviation Council when the latter is established.

Article 17 :

Implementation of the Agreement

This agreement shall come into force one month after the depositing of instruments of ratification by four Arab Countries at the General Secretariat of the League of Arab States.

In witness whereof, the undersigned plenipotentiaries having been duly authorized, have signed this agreement on behalf of their respective governments.

Done at Cairo in the Arabic language on the 21st of March, 1965, of one single copy to be kept at the General Secretariat of the League of Arab States.

A true copy was handed to each of the contracting States.

Signed on behalf of the Government of :

The Hashemite Kingdom of Jordan,
The Republic of Tunisia,
The Popular Democratic Republic of Algeria,
The Democratic Republic of Sudan,
The Republic of Iraq,
The Kingdom of Saudi Arabia,
The Syrian Arab Republic,
The United Arab Republic,
The Arab Republic of Yemen,
The State of Kuwait,
The Republic of Lebanon,
The Lybian Arab Republic,
The Kingdom of Morocco.

Note :

The agreement of the Civil Aviation Council of Arab States has been done in one authentic text drawn up in the Arabic Language.

The Arabic text has been translated by the Permanent Bureau of the Civil Aviation Council of Arab States into English and French Languages without having equal authenticity.

However, the said English and French translation has been done in such a way to be as near as possible to the original Arabic text.

APPENDIX B

AGREEMENT

ON THE CIVIL AVIATION COUNCIL

OF ARAB STATES

MODIFIED ACCORDING TO CAIRO'S PROTOCOL OF 1975

TRANSLATION

In the following text all the original agreement articles were rectified by the agreement's modified Protocol articles, except for articles 16 and 17 at the end of the original agreement, relating to its authentication and application both of which were literally included with proclamation of the application date and the names of authenticating countries; following which the articles 11 and 12 were entered at the conclusion of the original agreement's modified Protocol, both of which articles deal with the approval of the Protocol and its application, and were literally indicated along with the date of application and the approving countries.

Amended Agreement of the Arab Countries Civil Aviation Council.

That the governments of:

The Hashemite Kingdom of Jordan,
The United Arab Emirates,
The State of Bahrain,
The Republic of Tunisia,
The Popular Democratic Republic of Algeria,
The Kingdom of Saudi Arabia,
The Democratic Republic of Sudan,
The Syrian Arab Republic,
The Democratic Republic of Somalia,
The Republic of Iraq,
Sultanat of Oman,
Palestine,
The State of Qatar,
The State of Kuwait,
The Republic of Lebanon,
Libyan Arab Socialist Popular Jamahiriya,
The Arab Republic of Egypt,
The Kingdom of Morocco,
The Islamic Republic of Mauritania,
The Yemen Arab Republic,
The Popular Democratic Republic of Yemen,
The Democratic Republic of Djibouti

Desiring to implement the provisions of 2nd article (para B) of the Arab League pact relating to the close co-operation in the field of aviation by means of consolidating the air communications services between the Arab countries and cooperating in the field of international aviation, and also desiring to co-ordinate with efforts and resources in the field of civil aviation towards the progress of civil air transport both internationally and in the Arab World, the above mentioned Arab States have agreed to the following provisions:

Chapter (I)

Article I the Council -----

A) The Civil Aviation Council of Arab States specialized agency in the field of civil aviation work within the framework of the League of Arab States and has independent legal personality to which is referred by: the "Council"

B) The relationship with the League of Arab States:

The League of Arab States and Civil Aviation council shall conclude an agreement to define the ways and means of their mutual cooperation

C) Membership:

The Council shall be composed of members of the Arab States League whom will become party to this agreement, and other Arab countries from outside the membership of the Arab League requesting to join the Council granted their acceptance by a two thirds majority of the member states.

D) The Headquarters:

The Council's headquarters shall be the permanent headquarters of the League of Arab States, and could be transferred to another member state of the Council by a two thirds majority resolution of the General Assembly of the Council.

Article 2 Aims:

The aims and objectives of the Council are to develop the principles, techniques, and economics relating to air transport fostering and encouraging it both in the Arab and international arenas.

The Organizational Sturcture

Article 3 The Council's instruments

The Council conducts its operations through:

- A) A general assembly which is the highest authority in the Council.
- B) General secretariat which is the executive instrument of the Council.
- C) A Permanent committee

Article 4 The General Assembly

A) Formation of the General Assembly:

The general assembly is composed from the representatives of member states in the Council

B) The Presidency of the General Assembly

The presidency of the general assembly is required to rotate successively among the member states according to the alphabetical names of the member states, and this presidency lasts until the following ordinary convening session held by the Council.

Article 5 Functions of the General Assembly:

1 The general assembly is responsible for projecting the general policy to be maintained by the Council and dictate recommendations, adopt resolutions and procedures to attain the objectives and aims of the Council.

2 Determine its own internal rules and arrangements necessary for the implementation of its policies.

3 Approve the annual budget of the Council and determine the quota of each state.

4 Cooperate to the fullest extent with the League of Arab States, international organizations, and in particular with the international Civil Aviation organization, for the accomplishment of the common objectives and for the progress and welfare of civil aviation.

5 Study the international standards and recommend practices relating to civil aviation and adopt those proven in the interest of the Arab States.

6 Examine international civil aviation agreements and recommend to member states to adhere to those which the council considers of benefit to them.

7 Aim at the unification of procedures, legislation and terminology in Arab Countries.

8 Explore the means which will ensure the welfare and progress of civil aviation in Arab Countries.

9 Conduct researches on the various aspects of air transport and air navigation and facilitate the exchange of such information between the countries.

10 Consider each situation which impedes the progress of air navigation in the Arab countries at the request of any member state and make suitable recommendations.

11 Settle the differences and disputes that may arise between member states according to article 11 of this agreement.

12 Study travel fares on all Arab air routes and issue relevant recommendations.

13 Elect the permanent committee and establish subcommittees to debate the subjects remitted by the Council.

14 Appoint the General Secretary and determine the appointments of the principal officers.

15 Issue the resolutions and recommendations deemed necessary for the progress and welfare of civil aviation and air navigation.

16 Delegate to the General Secretary and the permanent committee.

17 Elect both vicepresidents from among representatives of the member states in order to assist the president during the convention period of the general assembly .

Meanwhile their election would not affect their representation capacity for their respective countries.

Article 6 Convening of the General Assembly:

A The general assembly shall hold one ordinary session every year and can hold extraordinary meetings, whenever necessary, at the request of two member states or the General Secretary's.

B A majority of the member states is required to constitute a quorum for the meeting of the general assembly.

C The general assembly may issue a decision to hold its minutes at a location other than the headquarters of the Council.

Article 7 Voting in the General Assembly

A Each member state is entitled to one vote.

B Resolutions and recommendations are upheld by simple majority unless it is stipulated otherwise. The resolutions of the General Assembly are binding to the member state that accept them.

Article 8 The General Secretariat:

1 Formation:

The General Secretariat is comprised of the General Secretary and fulltime professional staff, highly qualified and experienced in civil aviation matters, in addition to the needed number of administrative staff.

2 General Secretary's Appointment:

The general assembly elects the fulltime General Secretary from amongst the member states by a majority of its member states, whereby he would be a specialist in the civil aviation field for the term of three renewable years.

3 The Functions of General Secretary:

Administers the General Secretariat's work and proposes to the general assembly the appointment of necessary personnel, submits the annual draft budget to be approved, invites the general assembly to convene, and would be directly responsible in front of the general assembly for all his assigned duties and obligations.

Article 9 The General Secretariat's Capacities

1 Prepare requested studies and researches for the general assembly.

2 Coordinate between member states in the field of civil aviation training.

3 Undertake preparatory tasks and discharge the Secretariat duties for the meetings of the General Assembly and its committee, and communicate its decisions and resolutions to the member states.

4 Prepare working papers, and studies on all subjects included in the draft agenda of the general assembly, and distribute them to the member states long enough prior to the general assembly's meeting.

5 Draft the agenda of the meetings and refer it to the general assembly for approval.

6 Communicate to the general assembly every request for joining or withdrawal, submitted by any Arab country.

7 Submit to the general assembly an annual report on the activities of the General Secretariat.

8 Follow up the implementation of the general assembly's resolutions and recommendations with civil aviation authorities in the member states.

9 Prepare the draft annual budget.

10 Council representation in the civil aviation meetings and conferences regionally and internationally.

Article 10 The Permanent Committee:

1 Formation of the permanent committee.

The permanent committee is composed of a president of general assembly and four members to be elected by the attending majority of members in the general assembly for the period between two ordinary sessions, and may be elected more than once, taken into consideration that they should be of high caliber, attaining rare qualities and experience in the field of civil aviation.

2. Capacities of the Permanent Committee

A) Overcoming obstacles and difficulties that may be encountered by the General Secretariat while executing the resolutions and recommendations issued by the general assembly.

B) Study the Council draft agenda and draft annual budget in order to propose it to the general assembly for approval.

C) Review all other subjects exposed by the General Secretary and delegated by the general assembly.

3 Permanent Committee Meetings:

The permanent committee holds at least two meetings between the two ordinary sessions, at the request of the General Secretary.

Chapter 3

General Provisions

Article 11 Settlement of Disputes:

1 Disagreement or disputes arising between two or more member states of the Council relating to the interpretation of this agreement which cannot be settled by negotiations,

would be raised to the attention of the General Secretary of the Council, who shall exert his best to settle matters within a maximum delay of 60 days from the date on which he was acquainted with the grievance, however, if the General Secretary does not reach a solution resolving the dispute he must take up the matter with the general assembly of the Council in the first ordinary session, or if necessary in an extraordinary session.

2 If the general assembly cannot reach a solution concerning a dispute during the session in which the dispute came to bear, it then must raise the matter with the League of Arab States to adjudge and settle the differences.

3 The concerned state may appeal the decision of the general assembly's council solving the dispute, in front of the Arab Court of Justice whenever founded. Until such time the appeal may be made to the Council of the Arab States League. Any such appeal shall be presented within sixty days of receipt of notification of the decision of the Council's General Assembly.

4 Judgement of the Arab Court of Justice, of the Council of the League of Arab States, or of the general assembly of the

Arab Civil Aviation Council concerning the said dispute following the expiry of the legal deadline to initiate an appeal, is thus considered final, and all states concerned shall be bound and committed to its application.

5 No member of the Civil Aviation Council shall be permitted to vote while undergone debate by the Council general assembly is a dispute in which that member is a party.

Article 12 Amendment to the Agreement:

This agreement which was ratified by the Protocol of Cairo can be remodified pending the approval of two thirds of the Council's members, and that remodification comes into force only one month after the presentation of the ratification of the two third majority.

Article 13 Immunities and Privileges:

The accord on immunities and privileges of the League of Arab States applies to the meetings of the general assembly of the Council, its permanent committee, members of the general assembly and committees, as well as to the General Secretariat of the council, its General Secretary and personnel body.

Article 14 Adherence to the Agreement:

Arab League States which have not joined signatures in becoming party to this agreement, may do so through a declaration forwarded to the General Secretary who will in turn communicate it to the Council's members and the Secretary General of the League of Arab States.

Article 15 Revocation of the Agreement:

Any member state may retract from this agreement by written notification addressed to the Council's president, who in turn acquaints the Secretary General of the League of Arab States.

Retraction shall take effect one year following the date on which notification is received by the Council's president.

The following are the texts of articles 16 and 17 finalizing the original agreement and regarding its ratification and execution.

Article 16 Notification of the agreement:

The signatory states ratify this agreement as soon as possible in accordance with their internal regulations. The ratification documents shall be deposited at the Arab League General Secretariat, which shall communicate the minute of the deposit to each member state to other contracting states and to the civil aviation council when the latter is established.

Article 17 Implementation of the Agreement:

This agreement shall come into force one month after the deposit of the ratification documents by four Arab countries at the General Secretariat of the League of Arab States.

In witness thereof, the undersigned plenipotentiaries having been duly authorized, have signed this agreement on behalf of their respective governments. Done at Cairo in the Arabic language on the 21st of March 1965, of one single copy to be kept at the General Secretariat of the League of Arab States. A true copy was handed to each of the contracting states.

The following are the texts of articles 11 & 12 at the end of the modified protocol, regarding its ratification & execution:

Article 11 - Protocol Ratification

1- The Protocol is ratified by each state that approved and ratified the Arab countries civil aviation council's accord,

or has subscribed to the agreement.

2- Ratification of the Protocol by an Arab country who is not party to the agreement, necessitates first endorsing the original modified accord, as is dictated in the Protocol.

3- Documents of Ratification of the Protocol are to be deposited at the general secretariat of the Arab states League, who shall prepare an official report of each country's ratification document deposit, and communicate it to the other contracting countries, as well as, either the permanent bureau of the council or its general secretariat.

Article 12 - Date of Protocol's implementation:

The Protocol is implemented one month as of the deposit of its ratification documents by 2/3 of the member states at the Arab states League general secretariat that undertakes communicating this information to all contracting states as well as the general secretariat of the Arab states civil aviation council.

Written in Cairo on the 23rd day of Jamada-L-Aakhir 1395 H. corresponding with the third of July 1975, one official copy in Arabic. The Protocol is deposited at the archives of the permanent bureau of the Arab states civil aviation council, of which an authentic true copy of the original is to be forwarded to all parties to the accord of the A.S.C.A.C. and all member states of the League of Arab states and its secretariat general.

APPENDIX C

THE LEAGUE OF ARAB STATES AGREEMENT OF 1945

THE PACT OF THE LEAGUE OF ARAB STATES

HIS EXCELLENCY THE PRESIDENT OF THE SYRIAN REPUBLIC;
HIS ROYAL HIGHNESS THE AMIR OF TRANS-JORDAN;
HIS MAJESTY THE KING OF IRAQ;
HIS MAJESTY THE KING OF SAUDI ARABIA;
HIS EXCELLENCY THE PRESIDENT OF THE LEBANESE REPUBLIC;
HIS MAJESTY THE KING OF EGYPT;
HIS MAJESTY THE KING OF YEMEN;

Desirous of strengthening the close relations and numerous ties which link the Arab States;

And anxious to support and stabilize these ties upon a basis of respect for the independence and sovereignty of these states, and to direct their efforts toward the common good of all the Arab countries, the improvement of their status, the security of their future, the realisation of their aspirations and hopes;

And responding to the wishes of Arab public opinion in all Arab lands;

Have agreed to conclude a Pact to that end and have appointed as their representatives the persons whose names are listed hereinafter, have agreed upon the following provisions:

Article 1. The League of Arab States is composed of the independent Arab states which have signed this Pact.

Any independent Arab state has the right to become a member of the League. If it desires to do so, it shall submit a request which will be deposited with the Permanent Secretariat General and submitted to the Council at the first meeting held after submission of the request.

Article 2. The League has as its purpose the strengthening of the relations between the member states; the co-

ordination of their policies in order to achieve co-operation between them and to safeguard their independence and sovereignty; and a general concern with the affairs and interests of the Arab countries. It has also as its purpose the close co-operation of the member states, with due regard to the organisation and circumstances of each state, on the following matters:

A. Economic and financial affairs, including commercial relations, customs, currency, and questions of agriculture and industry.

B. Communications, this includes railroads, roads, aviation, navigation, telegraphs, and posts.

C. Cultural affairs.

D. Nationality, passports, visas, execution of judgments, and extradition of criminals.

E. Social affairs.

F. Health problems.

Article 3. The League shall possess a Council composed of the representatives of the member states of the League; each state shall have a single vote, irrespective of the number of its representatives.

It shall be the task of the Council to achieve the realisation of the objectives of the League and to supervise the execution of agreements which the member states have concluded on the questions enumerated in the preceding article, or on any other questions.

It likewise shall be the Council's task to decide upon the means by which the League is to co-operate with the international bodies to be created in the future in order to guarantee security and peace and regulate economic and social relations.

Article 4. For each of the questions listed in Article 2 there shall be set up a special committee in which the member states of the League shall be represented. These committees shall be charged with the task of laying down

the principles and extent of co-operation. Such principles shall be formulated as draft agreements, to be presented to the Council for examination preparatory to their submission to the aforesaid states.

Representatives of the other Arab countries may take part in the work of the aforesaid committees. The Council shall determine the conditions under which these representatives may be permitted to participate and the rules governing such representation.

Article 5. Any resort to force in order to resolve disputes arising between two or more member states of the League is prohibited. If there should arise among them a difference which does not concern a state's independence, sovereignty, or territorial integrity, and if the parties to the dispute have recourse to the Council for the settlement of this difference, the decision of the Council shall then be enforceable and obligatory.

In such a case, the states between whom the difference has arisen shall not participate in the deliberations and decisions of the Council.

The Council shall mediate in all differences which threaten to lead to war between two member states, or a member state and a third state, with a view to bringing about their reconciliation.

Decisions of arbitration and mediation shall be taken by majority vote.

Article 6. In case of aggression or threat of aggression by one state against a member state, the state which has been attacked or threatened with aggression may demand the immediate convocation of the Council.

The Council shall by unanimous decision determine the measures necessary to repulse the aggression. If the aggressor is a member state, his vote shall not be counted in determining unanimity.

If, as a result of the attack, the government of the state attacked finds itself unable to communicate with the Council, that state's representative in the

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Council shall have the right to request the convocation of the Council for the purpose indicated in the foregoing paragraph. In the event that this representative is unable to communicate with the Council, any member state of the League shall have the right to request the convocation of the Council.

Article 7. Unanimous decisions of the Council shall be binding upon all member states of the League; majority decisions shall be binding only upon those states which have accepted them.

In either case the decisions of the Council shall be enforced in each member state according to its respective basic laws.

Article 8. Each member state shall respect the systems of government established in the other member states and regard them as exclusive concerns of those states. Each shall pledge to abstain from any action calculated to change established systems of government.

Article 9. States of the League which desire to establish closer co-operation and stronger bonds than are provided by this Pact may conclude agreements to that end.

Treaties and agreements already concluded or to be concluded in the future between a member state and another state shall not be binding or restrictive upon other members.

Article 10. The permanent seat of the League of Arab States is established in Cairo. The Council may, however, assemble at any other place it may designate.

Article 11. The Council of the League shall convene in ordinary session twice a year, in March and in September. It shall convene in extraordinary session upon the request of two member states of the League whenever the need arises.

Article 12. The League shall have a permanent Secretariat-General which shall consist of a Secretary-General, Assistant Secretaries, and an appropriate number of officials.

The Council of the League shall appoint the Secretary-General by a majority of two-thirds of the states of the League. The Secretary-General, with the approval of the Council shall appoint the Assistant Secretaries and the principal officials of the League.

The Council of the League shall establish an administrative regulation for the functions of the Secretariat-General and matters relating to the Staff.

The Secretary-General shall have the rank of Ambassador and the Assistant Secretaries that of Ministers Plenipotentiary. The first Secretary-General of the League is named in an Annex to this Pact.

Article 13. The Secretary-General shall prepare the draft of the budget of the League and shall submit it to the Council for approval before the beginning of each fiscal year. The Council shall fix the share of the expenses to be borne by each state of the League. This share may be reconsidered if necessary.

Article 14. The members of the Council of the League as well as the members of the committees and the officials who are to be designated in the administrative regulation shall enjoy diplomatic privileges and immunity when engaged in the exercise of their functions.

The buildings occupied by the organs of the League shall be inviolable.

Article 15. The first meeting of the Council shall be convened at the invitation of the Head of the Egyptian Government. Thereafter, it shall be convened at the invitation of the Secretary-General.

The representatives of the member states of the League shall alternately assume the presidency of the Council at each of its ordinary sessions.

Article 16. Except in cases specifically indicated in this Pact, a majority vote of the Council shall be sufficient to make enforceable decisions on the following matters:

- A. Matters relating to personnel;
- B. Adoption of the budget of the League;
- C. Establishment of the administrative regulations for the Council, the committees, and the Secretariat-General;
- D. Decisions to adjourn the sessions.

Article 17. Each member state of the League shall deposit with the Secretariat-General one copy of every treaty or agreement concluded or to be concluded in the future between itself and another member state of the League or a third state.

Article 18. If a member state contemplates withdrawal from the League, it shall inform the Council of its intention one year before such withdrawal is to go into effect.

The Council of the League may consider any state which fails to fulfil its obligations under this Pact as having become separated from the League, this to go into effect upon a unanimous decision of the states, not counting the state concerned.

Article 19. This Pact may be amended with the consent of two-thirds of the states belonging to the League, especially in order to make firmer and stronger the ties between the member states, to create an Arab Tribunal of Arbitration, and to regulate the relations of the League with any international bodies to be created in the future to guarantee security and peace.

Final action on an amendment cannot be taken prior to the session following the session in which the motion was initiated.

If a state does not accept such an amendment it may withdraw at such time as the amendment goes into effect, without being bound by the provisions of the preceding article.

Article 20. This Pact and its Annexes shall be ratified according to the basic laws in force among the High Contracting Parties.

The instruments of ratification shall be deposited with the Secretariat-General of the Council and the Pact shall become operative as regards each ratifying state fifteen days after the Secretary-General has received the instruments of ratification from four states.

This Pact has been drawn up in Cairo in the Arabic language on this 8th day of Rabi' II, thirteen hundred and sixty-four (March 22, 1945), in one copy which shall be deposited in the safekeeping of the Secretariat-General.

An identical copy shall be delivered to each state of the League.

(Here follow the signatures.)

(1) Annex Regarding Palestine

Since the termination of the last great war, the rule of the Ottoman Empire over the Arab countries, among them Palestine, which had become detached from that Empire, has come to an end. She has come to be autonomous, not subordinate to any other state.

The Treaty of Lausanne proclaimed that her future was to be settled by the parties concerned.

However, even though she was as yet unable to control her own affairs, the Covenant of the League (of Nations) in 1919 made provision for a regime based upon recognition of her independence.

Her international existence and independence in the legal sense cannot, therefore, be questioned, any more than could the independence of the other Arab countries.

Although the outward manifestations of this independence have remained obscured for reasons beyond her control, this should not be allowed to interfere with her participation in the work of the Council of the League.

The States signatory to the Pact of the Arab League are therefore of the opinion that, considering the special circumstances of Palestine and until that country can effectively exercise its independence, the Council of the League should take charge of the selection

of an Arab representative from Palestine to take part in its work.

(2) Annex Regarding Co-operation with Countries Which Are not Members of the Council of the League

Whereas the member states of the League will have to deal in the Council as well as in the committees with matters which will benefit and affect the Arab world at large;

And whereas the Council has to take into account the aspirations of the Arab countries which are not members of the Council and has to work toward their realization;

Now, therefore, it particularly behoves the states signatory to the Pact of the Arab League to enjoin the Council of the League, when considering the admission of those countries to participation in the committees referred to in the Pact, that it should do its utmost to co-operate with them and furthermore, that it should spare no effort to learn their needs and understand their aspirations and hopes; and that it should work thenceforth for their best interests and the safeguarding of their future with all the political means at its disposal.

(3) Annex Regarding the Appointment of a Secretary-General of the League

The states signatory to this Pact have agreed to appoint His Excellency Abdul-Rahman 'Azam Bey, to be the Secretary-General of the League of Arab States.

This appointment is made for two years. The Council of the League shall hereafter determine the new regulations for the Secretariat-General.

APPENDIX D

THE ARAB AIR CARRIERS ORGANIZATION AGREEMENT OF 1965

Article 1: Name:

There shall be established an independent Arab organization with a moral personality to be named the Arab Air Transport Association, which shall hereinafter be called "The Association." Its name in English shall be "Arab Air Carriers Organization (AACO)." (Will be hereinafter called "Organization.")

Article 2: Head Office:

The head office of the Permanent Bureau of the Organization shall be determined by simple majority of the active members of the General Assembly. The General Assembly may change the location of the head office upon receipt of a proposal from three active members subject to approval by two-thirds of the active members.

Article 3: Aims and Objectives:

1) To promote cooperation among Arab air transport organizations and companies for the development of regular, safe and economic air transport for the benefit of Arab countries, and promotion of air transport and tourism among the Arab countries, and between them and foreign countries through various means, specially:

- a) Study of fare and conditions of transport among the Arab countries.
- b) Study of fare and conditions of transport between the Arab countries and each of the American Region, Europe and other regions of the world.
- c) Promotion of cooperation in the areas of maintenance, ground services and training.

- d) Coordination of commercial operations within the framework of bilateral or multilateral agreements.
- e) Deployment of efforts to invest in long haul routes on a common basis among those organizations and companies.

2) To increase economic and technical cooperation among Arab air transport organizations and companies, especially with regard to coordinating the policy of selecting aircraft models and equipment.

3) To cooperate with international and Arab organizations and to coordinate work vis-a-vis:

- a) Arab Civil Aviation Council (ACAC)
- b) International Civil Aviation Organization (ICAO)
- c) International Air Transport Association (IATA)

4) To unify and defend the policy of members at international air transport conferences.

5) To settle problems and resolve conflicts among the members.

Article 4: Membership

The Organization shall have two categories of members: Active and Associate.

a) Active Members

Shall become an active member of the Organization any Arab air transport organization or company operating, by virtue of a legal authorization, a regular air service that is open to the

public for hire, for the carriage of passengers, mail or cargo, provided it carries the nationality of an Arab state member of the League of Arab States, and that over 50% of its capital and its effective management are in Arab hands, and provided that its owned aircraft have an available capacity of at least 60% of the total capacity available to it.

b) Associate Members

Shall become an associate member any Arab organization or company operating, by virtue of a legal authorization, a regular air service that is open to the public for hire, for the carriage of passengers, mail or cargo, provided that it carries the nationality of an Arab state that has not yet joined the League of Arab States, and that over 50% of its capital and effective management are in Arab hands, and provided that its owned aircraft have an available capacity of at least 60% of the total capacity available to it.

Once such a state becomes a member of the Arab League, however, the associate member that carries its nationality becomes an active member *mutatis mutandis*.

Arab air transport enterprises whose operations are limited to charter flights shall also become associate members under the following conditions:

- a) that more than 50% of its capital, and its effective management are in Arab hands, and that it owns aircraft with an available capacity of at least 60% of the total capacity available to it.
- b) that such aircraft are registered in an Arab state and that they carry the nationality of such state.

- c) that it maintains its head office in an Arab state.
- d) that it establishes that it has undertaken effective air operations during three successive years at least.
- e) that its Rules and Regulations be submitted to the General Assembly and that it should apply the same technical standards as approved by the Arab Air Carriers Organization.
- f) that applications for membership should be presented in writing to the Director General of the Organization who will submit the same for approval of the General Assembly. The decision of the General Assembly in such case shall be final.

Article 5: Cessation and Termination
of Membership

1) Membership shall cease if a member fails to fulfill any of the conditions laid down in the previous article, or if it breaches any of the provisions of the Articles of Association of the Organization, or any of the regulations adopted pursuant thereto. This shall take place upon verification that such condition no longer existed, that a breach has occurred, and subject to the affirmative vote of two-thirds of the active members of the General Assembly.

2) Membership shall be terminated if a member gives a written notice of withdrawal to the President of the Organization who will take action to inform other members. Withdrawal will become effective one year after such notification.

Article 6: Revenues of the Organization
and Rules Governing Them

1) the budget of the Organization shall consist of the following sources:

a) Contributions of members as determined by the General Assembly in the light of studies presented by the Director General in accordance with the following rules:

i) All active and associate members of the Organization shall pay their contributions to the Permanent Bureau, and these shall be calculated on the basis of the U.S. Dollar.

ii) Contributions of active members shall be a fixed lump sum of U.S. \$.3000.-- annually, and an additional amount in the same currency to be directed towards covering the requirements of the Annual Budget as approved by the General Assembly. The additional amount shall be determined in the light of the tonnes-kilometres performed by each member during the preceding year, on all its scheduled and non-scheduled international and domestic air services. This principle shall apply to both passenger and cargo carriers.

iii) Contributions of an associate member shall be set at half the membership dues paid by an active member as shown in para i) above.

iv) Any organization or company that joins the Organization or changes its associate membership to active membership in the course of a financial year, shall pay its contribution only

for the remaining part of the financial year under review.

- b) Any other resources including voluntary contributions.
 - i) The financial year starts on 1 January and ends on 31 December of every year.
 - ii) A member that withdraws from the Organization or whose membership ceases may not retrieve any funds it may have paid. Cessation of membership shall not affect the duties of the member towards the Organization in respect of its obligations up to date of cessation of membership or withdrawal.

Article 7: Bodies of the Organization

The Bodies of the Organization shall consist of:

- 1) A General Assembly: the supreme authority of the Organization.
- 2) A Permanent Bureau: the executive machinery of the Organization that derives its authority from the General Assembly; and the Committees and Conferences affiliated to the Permanent Bureau.

Article 8: The General Assembly

A) Formation

The General Assembly of the Organization shall be composed of the representatives of its active members. Associate members shall be invited to attend its sessions.

B) Convening of the General Assembly

- 1) The General Assembly shall meet in annual sessions at a place

and date to be determined by the previous General Assembly. Extraordinary sessions of the General Assembly may be convened upon a written request of three active members to be addressed to the President of the Organization or at the invitation of the President on the basis of a request by the Permanent Bureau. The Director General shall extend invitations to convene an extraordinary session within a minimum period of twenty days from date of receipt of the request. The extraordinary session shall meet within 15 days from the date on which the invitations were addressed.

- 2) More than half of the active membership of the Organization shall constitute a quorum for the General Assemblies.
- 3) Each active member shall have one vote regardless of the number of its representatives at the meeting. It may designate the representative who has the right to cast vote. Representation should be at a high level in view of the importance of discussions at the General Assemblies.
- 4) Decisions shall be taken by the majority of all active members except in cases where it is otherwise indicated.
- 5) Associate members may attend meetings of the General Assembly and the various committees and to participate in the discussions without having the right to vote.

C) Duties of the General Assembly

The General Assembly is the supreme authority of the Organization and as such may adopt any measures to realize the objectives of the Organization as set forth in Article 3 above. Its duties also include the following:

- 1) Adoption of the Agenda and minutes of meetings.
- 2) Election of the President of the Organization who shall preside over meetings of the General Assembly during his term of office.
- 3) Formulation of the general policy of the Organization in the technical, economic, financial and administrative fields.
- 4) Election of the Director General and determination of his salary, remunerations and duties.
- 5) Approval of the administrative and technical setup of the Permanent Bureau, as proposed by the Director General and approval of the personnel salary scales.
- 6) Consideration of the annual report of the Director General on the activities of the Organization.
- 7) Establishment of committees and convening of conferences, and the determination of their terms of reference.
- 8) Studying all reports submitted by the Permanent Bureau and its Committees and taking the necessary action thereon.
- 9) Studying proposals of members and taking the necessary action thereon.

- 10) Determination of the scale of assessment.
- 11) Studying and approval of the annual budget of the Organization and appointment of auditors.
- 12) Review and revision of the Articles of Association of the Organization as required and in conformity with the provisions of Article 15.
- 13) Refer questions that fall within its jurisdiction, to the Director General, the sub-committees or conferences for study.

Article 9: Terms of Reference of the President of the Organization

1) The President of the Organization shall serve for one year as of date of his election. He shall continue in office until the election of a successor at the first regular session of the General Assembly.

2) The President of the Organization shall preside over meetings of the regular and extraordinary sessions of the General Assembly. In the case of his absence, the General Assembly shall elect an interim president of the session.

3) Represent the Organization as required by the General Assembly.

4) Approve, on behalf of the General Assembly, the minutes of its last meetings.

5) Approve, on behalf of the General Assembly, the urgent decisions that may be presented by the Director General, provided that these are submitted to the first subsequent session of the Assembly for approval.

Article 10: The Permanent Bureau

The Permanent Bureau shall be formed of:

- 1) A full time chief to be called "Director General" and to be appointed by the General Assembly for a renewable term of three years.
- 2) A number of sections and the necessary staff in accordance with the requirements of work, and by decision of the General Assembly.
- 3) Conditions of service of the Director General and other staff shall be determined in a service code by decision of the President of the General Assembly.

Article 11: Duties of the Permanent Bureau

The Permanent Bureau shall be responsible for the execution of all decisions of the General Assembly and for conducting the Organization's activities. The duties of the Permanent Bureau shall also include the following:

- 1) Conduct research work and the necessary technical and economic studies for the promotion of the air transport industry in member countries, and submission of these to the General Assembly for action.
- 2) Study means to coordinate technical, economic and commercial cooperation among member airlines and submit relevant proposals, and conduct studies and research work designed to achieve full cooperation among the members of the Organization.
- 3) Submit an annual report to the General Assembly on the activities

and achievements of the Bureau during the inter-sessional period.

- 4) Prepare the annual budget of the Organization for approval of the General Assembly.
- 5) Present an annual report on the accounts of the Organization for consideration by the General Assembly.
- 6) Despatch bulletins including any amendments to the air transport messages in the countries of the Organization and disseminate the information it receives.
- 7) Provide members of the Organization with any information or proposals it receives from international organizations or members.
- 8) Notify members of any accessions to or withdrawals from the Organization.
- 9) Request proposals from members three months before the date of the regular sessions of the Assembly. Such proposals should reach the Permanent Bureau at least two months before date of the session.
- 10) Prepare the provisional agenda of the annual session of the General Assembly, and coordinate and duplicate proposals for despatch to members of the Organization to reach them at least one month before the date of the session.
- 11) Supervise the training organs that may be established by the Organization.

- 12) Undertake secretariat work for sessions of the General Assembly of the Organizations and meetings of the sub-committees and conferences.
- 13) Collect and coordinate views of members on matters raised at international conferences in order to adopt a uniform plan thereon, whether these were matters of interest to all or some members.
- 14) Follow up, with the members, the implementation of resolutions and recommendations of the General Assembly.
- 15) Receive complaints and reports about conflicts and seek appropriate means for their resolution.
- 16) Present to the General Assembly proposals on the rules it deems necessary for the conduct of meetings.

Article 12: Duties of the Director

General:

- 1) Direct the work of the Permanent Bureau, and account to the General Assembly for all duties assigned to the Bureau.
- 2) Act as President of the Organization if this position is declared vacant before the end of a term, until the election of a new President within a maximum period of three months by a regular or an extraordinary session of the General Assembly as required.
- 3) Attend meetings organized by international aviation organizations and bodies upon approval of the President of the Organization. He may delegate one of his assistants to perform this duty, as required.

- 4) Organise work, appoint and terminate staff and hiring experts in accordance with regulations established by the General Assembly.
- 5) Exercise the right of spending on the basis of the last budget in case of delay in approving the new budget. This shall be done in accordance with Rule 12 and subject to approval of the President of the Organization.
- 6) Maintain an account for the Organization at the bank or banks as determined by the General Assembly where all funds of the Organization shall be deposited. He shall have the right to sign cheques on behalf of the Organization and according to the financial regulations approved by the General Assembly.

Article 13: Conflict between Resolutions of the General Assembly and Laws of Members

If a member fails to implement any of the decisions of the General Assembly because of a conflict with the provisions of a law or regulation in its country, it shall provide the Permanent Bureau with a written notification to this effect.

Upon receipt of such notification, the Permanent Bureau shall circulate it to the other members to announce that the provisions of the resolution in question have been suspended. The Permanent Bureau shall also submit the matter to the earliest session of the General Assembly to reconsider that resolution.

Article 14: Duties of Members

All members shall provide the Permanent Bureau with information on air traffic statistics and air transport fares as well as other information related to its fleet and operations.

Article 15: Revision of the Articles of Association

The provisions of these articles may be amended by the General Assembly subject to approval of four-fifths of the active members attending, and provided that the text of the amendment has been sent to the members at least 30 days before the convening of the General Assembly.

Article 16: Dissolution of the Organization

Dissolution of the Organization can only be done at an extraordinary session of the General Assembly to be convened specially for this purpose, and provided that the decision be taken by a majority of four-fifths of the active members. In such case, the movable and immovable assets of the Organization shall be transferred to the General Secretariat of the League of Arab States.

Article 17: Relations between the Organization and IATA

No contradictions exist between any of these articles and the regulations of the International Air Transport Association (IATA).

Any member of the Organization may become a member of the International Air Transport Association, and to undertake its obligations towards it, and enjoy its rights therein.

Article 18: Signing and Acceptance of these Articles

The representatives of Arab Air Transport Organizations and Companies who have signed these articles are considered active members and have accepted these provisions by virtue of Article 4 above.

Done in the City of Cairo, on Wednesday, 4 August 1965, in two originals -- one to be kept in the General Secretariat of the League of Arab States and the other at the Head Office of the Organization. An authentic copy shall be given to each member.

Signed on behalf of the Arab air transport organizations and companies:

Royal Jordanian Airlines, Sudanese Airways, Iraqi Airways, Saudi Arabian Airlines, Syrian Arab Airlines, United Arab Airlines, Egypt Air, Yemeni Airways, Kuwaiti Airways, Middle East Airlines, Air Libyan, Lebanese International Airlines, Trans-Mediterranean Airlines.

APPENDIX E

THE PAN-ARAB AIRLINE CONVENTION OF 1961

The governments of:

- the Hashemite Kingdom of Jordan
- the Provisional Republic
- the Republic of the Sudan
- the Iraqi Republic
- the Kingdom of Saudi Arabia
- the United Arab Republic
- the Federal Republic
- the Kingdom of Libya
- the State of Israel
- the Arab Republic of Egypt
- the Republic of Algeria
- the ...
- the ...
- the ...

The ... of ... of ... and Chicago ...
 ... international civil aviation, ...
 ... commercial civil aviation ...
 ... of the aviation industry ...
 ... economic cooperation ...
 ... conditions, ...
 ... to the ...

CHAPTER I

NAME OF THE AGENCY, ITS OBJECTS, MEMBERSHIP
AND HEADQUARTERS

ARTICLE 1

There shall be established an Arab Agency for carriage by air, to be called the International Arab Airways Agency.

ARTICLE 2

The Agency shall be entrusted with exploiting commercial aviation in Arab and foreign countries, and shall foster a healthy civil aviation industry to connect the Arab world with the outside world through a route system of scheduled services with the object of improving the standard of aviation.

To achieve the above purposes the Agency shall undertake the following:

(1) the provision of services on long-range international routes, as well as on medium-range routes, which shall be on the long-range routes, and on any other routes that the Agency may acquire, provided that Article 3 of this Agreement is complied with;

(2) the purchase, sale, lease (with or without option)

or lease) of aircraft, spare parts and other equipment, and the manufacture thereof, and to undertake overhaul operations;

(3) to serve as ground agent, or commercial and technical agent, for Arab and foreign air carriers in Arab countries or abroad;

(4) to train technicians required for the activities of the Agency or for other purposes;

(5) to engage in all activities which are directly or indirectly related to international carriage by air.

Article 3

The Agency shall co-operate with Arab corporations and enterprises operating in the field of commercial aviation; shall maintain a balance between its interests and those of the corporations and enterprises concerned; shall rationalize aviation in order to raise the standards of Arab commercial aviation, and, for that purpose, enter into specialized agreements.

Article 4

Every Arab country or State shall be entitled to the membership of the Agency according to the provisions of this Agreement.

~~CONFIDENTIAL~~

Article 5

The Board of Directors decide the place of the headquarters of the Agency as well as its branches, overhaul works and offices required for the activities of the Agency, and shall appoint its agents abroad.

CHAPTER II

CAPITAL, SHARES, INCREASE AND DECREASE

SUBSCRIPTION AND EXCHANGES

Article 6

The capital of the Agency at the time this Agreement enters into force shall be the gold equivalent, fixed by the International Monetary Fund, of seventeen million pounds sterling.

Article 7

The capital shall be divided into 170,000 shares, each share being valued at 100 pounds sterling according to the definition in Article 6.

Article 8

The Board of Directors may increase or decrease the capital of the Agency with the consent of two-thirds of

the total votes. however, the increase of capital for the purpose of the issue of initial shares to the quota of an Arab country admitted to membership in the Agency after the capital has been fully paid up shall be by simple majority of the total votes.

article 9

(1) No member shall the share of a member exceed 20 per cent of the capital of the Agency. the shares of members shall be determined according to the Schedule annexed to this Agreement.

(2) If the capital is not fully paid up within the first three years after the date of entry into force of this Agreement the share of a member may be increased to 25 per cent, provided that priority shall be given to those members whose shares are less than 20 per cent.

(3) The Agency, after the entry into force of this Agreement, may issue shares according to a quota decided by the Council of Governors.

article 10

When entry into force of this Agreement shall be delayed or if the Agency is unable to pay the shares of a member, the Council of Governors may, at the request of the member concerned, declare that the member is in default. In case of failure of such member to pay the shares within a year from the date of claim for payment,

the Board of Directors shall be entitled, by a two-thirds majority of the votes, to decrease the share allotted to that member to a share equivalent to the value paid by him, and to offer the remaining shares for the subscription of other members, provided the provisions of paragraph (2) of Article 5 of this Agreement are observed.

Article 11

A member adhering to this Agreement after its entry into force shall pay a portion of the quota allocated to him, which portion shall be a percentage equivalent to the percentage of payments made by the remainder of the members.

Article 12

Shares issued shall be paid in cash in pounds sterling according to the stipulation provided in Article 6 of this Agreement. However, with the consent of the Board of Directors, they may be paid in kind, by way of acceptance.

Article 13

Every member Government of this entitled to offer a portion not exceeding 4% per cent of its cost in the way of its capital, provided it takes adequate measures to ensure that it does not involve a net of foreign capital in that quota.

Article 14

Subject to the provisions of Articles 9 and 13, the following shall be applied:

(1) All shares are nominal and may be transferred among the nationals of each member Government within the limit of its quota; such transfer shall be effected through the issue of a disentitlement certificate signed by the transferor and the transferee subject to approval by the Agency and shall be recorded in a special book kept by the Agency.

(2) Ownership of shares cannot be transferred to persons of another nationality. In the case of inheritance, the heirs shall be entitled to claim the actual value of the shares.

(3) Each share is indivisible and the Agency shall not permit it to be held by more than one owner.

CHAPTER III

LEGAL STATUS

Article 15

The Agency shall be endowed with legal personality and shall be entitled, within the scope of its objects, to acquire real estate, movable and immovable property and to engage in all other activities necessary for the fulfilment of its functions.

Article 16

The liability of the members of the Agency shall be limited to the share allotted to each in the capital.

Article 17

The Agency shall be liable to third parties for all undertakings and obligations resulting from its activities.

CHAPTER IV

A. ADMINISTRATION OF THE AGENCY

Article 18

The business of the Agency shall be administered by a Board of Directors, consisting of a representative from each Member Country appointed by the Government of that Country, which shall also appoint an alternate member to attend the meetings of the Board of Directors in the absence of the member appointed, and it shall have the necessary authority.

Article 19

The Board of Directors shall enjoy all the powers necessary for the administration of the Agency and shall be responsible for all its activities.

Article 20

The Board of Directors shall appoint a General Manager of the Agency and shall delegate to him the necessary administrative and financial powers for the administration of the Agency, except with respect to the following matters:

- 1.- approval of the annual budget;
- 2.- appointment of licensed auditors;
- 3.- approval, alteration and cancellation of routes;
- 4.- approval of the purchase and sale of aircraft;
- 5.- approval of the purchase of spare parts, except those falling under the financial powers of the General Manager;
- 6.- prescription of the procedures for the administration of the Agency and the by-laws of the Board of Directors;
- 7.- approval of the appointment of senior employees and experts and determination of their salaries and emoluments;
- 8.- approval of the general programme for equipment, purchases, insurance, of the estimates of percentages of depreciation and percentage of the general reserve fund after reaching the percentage mentioned in Article 37;
- 9.- investment of money and borrowing;
- 10.- approval of the final accounts;

- 11.- conclusion of agreements with other companies;
and organizations that perform activities similar to those of the Agency, and participation in international associations that have a relation to the Agency;
- 12.- determination of the bases of cooperation and rationalization provided in Article 3 of this Agreement;
- 13.- dissolution of the Agency and distribution of its assets;
- 14.- all those powers specifically granted to the Board of Directors.

Article 21

The Board of Directors shall have a Chairman and Vice-Chairman, each of whom shall hold office for a period of one year, the offices alternating according to the alphabetical order of the member States.

Article 22

The Board of Directors shall hold its first session a year after the date of its constitution, and shall thereafter meet at least once a year. The Board shall also meet on special occasions when it is requested to do so by the member States. The Board shall have the right to hold such sessions as it may deem necessary. The Board shall also have the right to hold such sessions as it may deem necessary.

of the Board.

Article 23

meetings of the Board of Directors shall be lawful if attended by a simple majority of the members, provided it represents a majority of two thirds of the votes, and provided also that notice of the convening of the meeting has been communicated within the lawful period prescribed in the by-laws of the Board. In case of failure to obtain a quorum the Board shall be convened fifteen days after that date, which meeting shall be deemed to constitute a quorum whatever the number of members and whatever the percentage of their votes.

Article 24

When votes are cast by the Board of Directors each share shall be entitled to 1,000 votes, notwithstanding the number of shares held, and, in addition, one vote for every share held in excess of 100 shares. Unless otherwise provided, the resolutions put to the Board shall be taken by a simple majority.

Article 25

The following resolutions shall be taken:
1.- The Board of the establishment, on a 13th of ...

- alteration of routes;
- 2.- approval of purchase and sale of aircraft.
- 3.- appointment of the general manager and determination of his powers and salary;
- 4.- determination of the location of the headquarters of the agency and of its workshops;
- 5.- approval of the general programme for acquisition, purchase and insurance;
- 6.- tax status of company and territories;
- 7.- determination of the general distribution of profits;
- 8.- approval of the general accounts;
- 9.- increase of authorized capital and the provisions of paragraph (2) of article 11;
- 10.- dissolution of the agency and its liquidation.

Article 11

1. The general manager shall be appointed by the Board of Directors.

Article 12

The general manager shall be responsible for the management of the agency and shall be liable for the same.

Article 13

The general manager shall be appointed by the Board of Directors.

tion for the proper conduct of the business of the Agency and to treat the Agency in this respect in no less favourable manner than the national air companies and corporations.

Article 29

- The Agency shall be exempt from all forms and taxes -
- 1.- ... of the Agency when issued and when free of all:
 - 2.- ... movable property as well as profits of the Agency.

Article 30

- (1) Aircraft of the Agency, ... for the operation of its routes shall be ...
- (2) ... of local: ... on board ... in the territory of a ... all ... aircraft of the Agency by a member, provided that, if the laws of a member do not allow such exemption, it shall make a monetary contribution equivalent to those duties.

Article 31

Property, profits and financial transactions of the

Agency shall not be subject to the financial restrictions imposed on transfers and on similar transactions.

Article 31

Employment with the Agency shall not be subject to the conditions of nationality contained in employment and professional laws.

CHAPTER VI

REGISTRATION OF AIRCRAFT

Article 32

The Board of Directors shall decide, by a two-thirds majority the method for the registration of the aircraft of the Agency in conformity with the Chicago Convention on International Civil Aviation, signed on December 7, 1944.

CHAPTER VII

CONFIDENTIAL - AIRCRAFT REGISTRATION

Article 33

Member states shall recognize certificates of airworthiness and certificates of competency of pilots issued by the competent civil aviation authorities of other governments,

provided their standards and conditions for issuance are not lower than those standards and conditions established by the International Civil Aviation Organization.

CHAPTER VIII

FINANCIAL YEAR, ANNUAL BUDGET, ANNUAL REPORT
FINAL ACCOUNTS, AND DISTRIBUTION OF PROFITS

Article 34

The financial year of the Agency shall commence on April 1 and close on March 31.

Article 35

The General Manager shall submit to the Board of Directors for its approval:

- 1.- at the end of January of each year, a budget estimate for the coming financial transactions of the Agency;
- 2.- within three months after the close of a financial year, the final accounts and the profit and loss account, together with an inventory approved by licensed auditors showing what is owing, to or owed by the Agency.

Article 36

Within four months after the close of each financial

year the Board of Directors shall present to Member Governments a report on the activities of the Agency and its financial situation, together with the final accounts of profits and losses, the inventory list and the report of the licensed auditors, and shall publish, within fifteen days of its approval of the accounts, the profit and loss account in a newspaper in each of the Capitals of the members.

Article 37

The Board of Directors shall decide, by a two-thirds majority of the total votes, the percentage for distribution of profits to the shares, after deducting all the costs of operation and depreciation as well as other expenses, and after allocating 10 per cent of the net profits for the general reserve fund, which sum shall cease to be appropriated upon the reserve fund becoming equivalent to half the capital of the Agency.

CHAPTER IV

WITHDRAWAL, SURRENDER,

DISSOLUTION AND LIQUIDATION

Article 38

No member shall be entitled to withdraw from the Agency before five years of its membership have expired. Andli-

cation for withdrawal shall be by notice in writing addressed to the General Manager of the Agency, who shall place it before the Board of Directors; such withdrawal shall take effect one year after the receipt of such notice by the General Manager unless it has been cancelled before the expiry of that period.

Article 39

If a Member commits a breach of any obligation to the Agency its membership may be cancelled by decision of the Board of Directors, taken on a two-thirds majority vote, and such membership shall effectively terminate three months after the date of such decision unless a decision to reinstate its membership has been taken by a two-thirds majority of the total votes.

Article 40

In case of the termination of membership of a Member, the Board of Directors shall decide the manner of dealing with the share of that member according to the provisions of Article 39 of this Agreement. In case of a dispute arising between the Agency and the Government of that Member on the assessment of the value of that share and the manner of its payment, the dispute shall be referred to arbitration according to the provisions of Article 40 of this Agreement.

Article 41

upon the termination of the membership of a member,

that member shall continue to be liable for all his obligations towards the Agency until the date of termination of his membership, and shall be entitled to his share in the capital and profits of the Agency up to that date.

Article 42

If the termination of a Member's membership results in damage to the Agency, that Member shall be liable to compensate the Agency for such damage.

Article 43

The Agency may, by a decision of the Board of Directors taken by a two-thirds majority of the total votes, suspend its activities for an indefinite period, except for such transactions and procedures necessary for the preservation and maintenance of its assets.

Article 44

(1) The Board of Directors may, by a two-thirds majority of the votes, agree to dissolve the Agency, which shall continue to exist until the final settlement of all its rights and liabilities. There shall be no withdrawal or termination of any member's membership within the period between the decision to dissolve and the completion of the final settlement, and none of the assets of the Agency may be distributed among the members.

until payment of the debts of the Agency.

(2) Distribution of the net assets of the Agency among the Members shall be in the ratio of the shares held by each Member.

CHAPTER X

INTERPRETATION AND ARBITRATION

Article 45

The Board of Directors shall, by a two-thirds majority of the total votes, adjudicate upon all disputes that may arise between the Agency and a Member thereof, or between the Members themselves, relating to the interpretation or application of this Agreement.

Article 46

In the case of a dispute arising between the Agency and a Member whose membership terminated, or between the Agency and a Member during the liquidation of the business of the Agency, the dispute shall be referred to an arbitral tribunal consisting of three arbitrators, the Agency appointing one of them, the Member party to the dispute appointing the second, and the third arbitrator being appointed by agreement between the first two. The decision of the tribunal shall be by majority vote and shall

be final and binding. Failing agreement between the two arbitrators on the appointment of the third, the President of the International Court of Justice shall be requested either to become the third arbitrator or to appoint that third arbitrator without any objection being open to either of the two parties.

Failing the constitution of such tribunal, the dispute shall be referred to the International Court of Justice to adjudicate upon it, and its decision thereon shall be binding.

CHAPTER XI

FINAL PROVISIONS

Article 47

This Agreement shall be ratified by the participant Governments of Arab States, according to their laws. The instruments of ratification shall be deposited with the Secretariat of the League of Arab States, which shall give notice of such ratification to the other Contracting States.

Article 48

Each Arab State or Country becomes a member of the Agency as from the date of deposit with the Secretariat of the League of Arab States of the instrument of ratification.

Article 49

The duration of this Agreement shall be fifty years commencing from the date of its entry into force and it shall thereafter become automatically renewable for the same period unless members representing two thirds of the total votes decide otherwise.

Article 50

This Agreement shall enter into force one month after the deposit of the instruments of ratification of a number of members whose total subscriptions must not be less than 60 per cent of the total capital of the Agency. In witness whereof the duly authorized plenipotentiaries have signed, their names being inscribed on this Agreement.

This agreement was done at Baghdad on April 17, 1961.

For: The Hashemite Kingdom of Jordan signed (Wasfi El Tal)

the Tunisian Republic

the Republic of the Sudan

The Iraqi Republic signed (Nazim El Zahrani)

The Kingdom of Saudi Arabia signed (Abdalla O Tarcil)

The United Arab Republic signed (Fakhir El Lialil)

the Lebanese Republic

The United Kingdom of Libya

The Hashemite Kingdom of Jordan

the Kingdom of the Kingdom

The Republic of Algeria

The Kuwait Principality

The Qatar Principality

The Bahrain Principality

The Syrian Arab Republic

.... signed (Fiasal Al Hazzeby)

.... signed (George Hanna)

on February 27, 1964

SCHEMATIC TO CHAPTER I FOR THE ESTABLISHMENT
OF THE "PACIFIC ALLIANCE"

Ratio at promotion

- the Hashemite Kingdom of Jordan
- the Hashemite Republic
- the Republic of the Sudan
- the Iraqi Republic 20 %
- the Kingdom of Saudi Arabia 15 %
- the United Arab Republic 20 %
- the United Kingdom of Libya
- the Sultanate Kingdom of Yemen
- the Kingdom of Algeria
- Kuwait 15 %
- Qatar
- Oman

APPENDIX F

CONVENTION ON SEARCH AND RESCUE COOPERATION
BETWEEN ARAB STATES OF 1972

CONVENTION

ON SEARCH AND RESCUE COOPERATION BETWEEN ARAB STATES

Considering the importance of the search and rescue services in the field of Civil Aviation, and

Desiring to lay down the basis of cooperation between Arab States in this field for the purpose of providing a prompt and efficient assistance to aircraft and persons in distress, regardless of their nationality, and

Pursuant to the provisions of article 25 of the Convention on International Civil Aviation, signed at Chicago, 1944, and

The provisions of article 3 of the Agreement of the Civil Aviation Council of Arab States, and

In compliance with the resolution dated 9 December, 1972, issued by the Civil Aviation Council of Arab States at its tenth session held at DOHA,

THE GOVERNMENTS UNDERSIGNED HAVE AGREED AS FOLLOWS

Article 1 :

The purpose of this Convention is to ensure the cooperation, to the greatest possible extent, of the search and rescue (SAR) services in the field of Civil Aviation, and the coordination between the facilities providing these services in order to improve its efficiency, when an aircraft is in distress.

Article 2 :

Contracting States shall undertake that their rescue coordination centre (RCC) would hasten to provide the required assistance, within its available resources upon the receipt of a request for support from any of these RCCs and in accordance with the arrangements agreed upon.

Article 3 :

The search and rescue areas (SRRs) mentioned in this Convention are those areas defined in the International Civil Aviation Organization (ICAO) Regional Plans. The cooperation in this field is based on these plans in addition to the practices adopted in accordance with the ICAO Annexes, documents & national SAR procedures in the State in which search and rescue operations are carried.

Article 4 :

1. The RCCs of contracting States, and in particular those of the neighbouring States, shall exchange the latest information concerning the available air, maritime and ground facilities, and the possibilities of putting them in operation in case of emergency.
2. Contracting States shall deposit the detailed data concerning the above mentioned information and facilities at the Civil Aviation Council of Arab States (CACAS).

Article 5 :

The RCC of any Contracting State shall alert the RCCs concerned upon the occurrence of an accident or a state of distress within its area of responsibility, if such accident or state of distress requires, or there is evidence that it may eventually require during any phase, the use of facilities of these RCCs.

Article 6 :

A RCC which is alerted by the Air Traffic Control Unit concerned shall be considered responsible for the SAR operations according to the available information and within its area of responsibility. However, when this RCC will not assume this responsibility due to the occurrence of the operation outside his area of responsibility, or because it is easier to access by the facilities of SAR services of other RCC, it will inform the responsible RCC or the one it considers relevant, as being the best geographically located and as having appropriate SAR facilities to carry the operation according to the case. The former center shall, however, continue to assist this centre until the end of the operation.

Article 7 :

For better conduct of air operations, and subject to the control

of its own authorities, a contracting State shall permit on a temporary basis, according to article 2 and with prior notification the immediate entry of aircraft, equipment and personnel necessary for SAR operations, into the territories of any other contracting States, other than prohibited areas.

Furthermore, aircraft of Contracting States which are participating in SAR operations will be permitted to land, without prior permission, at aerodromes jointly designated by the parties to this Convention.

Aircraft participating in SAR operations shall not be equipped with photo-apparatus or loaded weapons without prior permission from the appropriate authority of the State in which these aircraft are entering when the nature of the operation so requires. Aircraft having fixed weapons are excluded provided it is not loaded.

Article 8 :

When a combined SAR operation exists, the RCC requesting the assistance of another RCC shall immediately inform the appropriate authorities of its States that SAR facilities of another State have been requested to operate in and over the territory of its State ; in order to facilitate the entry formalities of SAR units across the boundary of the State concerned.

Article 9 :

If an aircraft conducting SAR operations is in necessity of refuelling at one of the airports designated in Article 7, the cost of the fuel shall be settled by special arrangements detailed in a special annex to the present Convention.

Article 10 :

Aircraft conducting SAR operations or SAR exercises are exempted from airport or other taxes or charges.

Equipments necessary for SAR operations which circumstances may require its admittance to the territory of any signature State shall also be exempted temporarily from customs duties.

Article 11 :

Neighbouring States shall hold combined exercises at regular

intervals on SAR operations, for training purposes and verification or improvement of procedures.

Article 12 :

The RCC's in each Contracting States are authorized in the frame work of this Convention to communicate directly with each other on all common SAR matters.

Article 13 :

When circumstances requires, the Permanent Bureau of the Civil Aviation Council of Arab States will convene a meeting, in any State concerned, to discuss the results of the operations and exercises, and review the combined SAR procedures, and to exchange views on any necessary amendments which should be made to the plan of operation in order to improve the efficiency of SAR services.

Article 14 :

As far as possible, the Contracting States shall adopt common procedures and unified operational plans in the field of SAR, and the relevent communication procedures with respect to the applicable International Regulations.

Article 15 :

Each Contracting State shall prepare a SAR operation Manual and communicate it to the Permanent Bureau of the Civil Aviation Council of Arab States which will circulate it to contracting States.

This operation Manual shall specify the detailed procedures which organize the SAR requirements, and in particular those relating to the following :

1. Airports to be used in each Contracting States (Article 7)
2. Entry procedures into national bounderies (Article 8)
3. Methods of settlements of fuel cost (Article 9)
4. Exemption from taxes, and the list of the equipment and instruments exempted from customs duties (Article 10)
5. Training (Article 11)
6. Procedures, Operational Plans and Communication Systems (Article 14)

Article 16 :

Any Contracting States may denounce this Convention by notification to the Permanent Bureau of the Civil Aviation Council of Arab States. Denunciation shall take effect three months following the date of notification.

The Permanent Bureau of the Civil Aviation Council of Arab States shall inform other Contracting States and the League of Arab States accordingly.

Article 17 :

This Convention shall be open for signature at DOHA on 12, December, 1972 by States participating in the tenth session of the CIVIL AVIATION COUNCIL OF ARAB STATES, and shall be open after the said date to all States members of the LEAGUE OF ARAB STATES for signature at CAIRO until its entry into force.

This Convention shall be subject to ratification by the signatory States in accordance with their national legislations at the earliest possible convenience, and instruments of ratification shall be deposited with the Permanent Bureau of the Civil Aviation Council of Arab States, who shall establish a report of the deposit of the instruments of ratification for each State, and shall communicate that to the other Contracting States and the Secretary General of the League of Arab States.

Article 18 :

Any State which does not sign this Convention before its entry into force in accordance with Article 19 of this Convention may accede to it at any time by sending a notification to the President of The Council, who shall thereupon inform such accession to the Contracting States and the Secretary General of the League of Arab States.

Article 19 :

This Convention shall enter into force thirty days following the date of the deposit of instruments of ratification with the Civil Aviation Council of Arab States by two neighbouring Arab States.

In witness whereof, the undersigned plenipotentiaries having been

duly authorized, have signed this Convention on behalf of their respective governments.

Done at DOHA in the Arabic Language on the Twelfth of December, 1972, of one single copy to be kept at the Civil Aviation Council of Arab States and a true copy was handed to each of the Contracting States, and the League of Arab States.

On behalf of Governments of :

The Hashemite Kingdom of Jordan,
The State of United Arab Emirates,
The State of Bahrain,
The Republic of Tunisia,
The Popular Democratic Republic of Algeria,
The Kingdom of Saudi Arabia,
The Democratic Republic of Sudan,
The Syrian Arab Republic,
The Republic of Iraq,
The Sultanate of Oman,
The State of Qatar,
The State of Kuwait,
The Republic of Lebanon,
The Libyan Arab Republic,
The Arab Republic of Egypt,
The Kingdom of Morocco,
The Arab Republic of Yemen,
The Popular Democratic Republic of Yemen.

NOTE :

The Convention on Search and Rescue Co-operation between Arab States has been done in one authentic text drawn up in the Arabic Language.

The Arabic text has been translated by the Permanent Bureau of the Civil Aviation Council of Arab States into English and French Languages without having equal authenticity.

However, the said English and French translation has been done in such a way to be as near as possible to the original Arabic text.

APPENDIX G

DRAFT AGREEMENT

BETWEEN THE AFRICAN CIVIL AVIATION COMMISSION (AFCAC)
AND THE ARAB CIVIL AVIATION COUNCIL (ACAC)

ANNEX VI

DRAFT

AGREEMENT BETWEEN THE AFRICAN CIVIL AVIATION COMMISSION (AFCAC) AND THE ARAB CIVIL AVIATION COUNCIL (ACAC)

PREAMBLE

The African Civil Aviation Commission, hereinafter referred to as "AFCAC" and the Arab Civil Aviation Council, hereinafter referred to as "ACAC" :

Considering that both AFCAC and ACAC aim at developing air navigation principles and techniques and at promoting the efficiency, safety and economical operation of air transport;

Anxious to cooperate in the achievement of their common objectives in the fields of Civil Aviation;

Noting that some countries are members of both AFCAC and ACAC ;

Considering relevant resolutions approved by the ORGANIZATION OF AFRICAN UNITY and the LEAGUE OF ARAB STATES towards the development of closer relationship and greater cooperation between Arab and African countries;

HAVE AGREED AS FOLLOWS:

Article I

Fields of co-operation

AFCAC and ACAC shall co-operate in all matters relevant to their common objectives in respect of civil aviation.

Article II

Consultation

In order to coordinate and harmonize their activities in their respective fields of interest, AFCAC and ACAC shall consult and co-operate in the consideration of all matters which may be discussed in international meetings and particularly in the meetings of the International Civil Aviation Organization.

Article III
Technical co-operation

AFCAC and ACAC shall inter-alia cooperate :

- in the preparation of joint studies and in the carrying out of common projects within their sphere of competence;
- in ensuring that the best use shall be made of their joint studies and that the required data shall be obtained and analyzed as necessary;
- in the joint organization of meetings and seminars for consideration of problems of common interest and exchange of views in various fields of action.

Article IV
Exchange of information and documents

AFCAC and ACAC agree to exchange information and documents on a confidential basis.

Article V
Representation and communication

- 1) - In order to promote cooperation between AFCAC and ACAC member States, each party shall invite the other to attend conferences and meetings of common interest organized by the other party. Representatives attending such meetings shall have the right to participate in the discussions but shall not participate in the vote.
- 2) - In international meetings and in all fields of common interest, both parties in accordance with Article II of this Agreement shall as far as possible endeavour to agree on a common stand.

Article VI
Common activities

AFCAC and ACAC may conclude special agreements in relation with the execution of projects for the achievement of common objectives.

Article VII

Implementation of the agreement

The President of AFCAC and the President of ACAC may take all necessary action towards the implementation of this agreement.

Article VIII

Amendment

This agreement may be amended subject to the approval of AFCAC and ACAC.

Article IX

Entry into force

This agreement and any amendment thereto shall come into force, in accordance with Article VII above after approval by AFCAC and ACAC on the thirtieth day after the later approval.

In witness whereof, the undersigned duly empowered Representatives shall sign this agreement on behalf of their respective organizations on the dates indicated under their signature.

Done at _____ on the _____ ; two original copies of this text shall be established in the Arabic, English and French languages, each text being authentic.

On behalf of the
African Civil Aviation Commission

On behalf of the
Arab Civil Aviation Council

(Signature)
Date

(Signature)
Date
