

Open or Closed Skies?



What Freedom of The Air Will Mean

SOONER or later, the world will have to face the vast and complex problems of international air transport — of arranging the routes and bases, building the planes, untying the intricate knots of law and usage.

It is a problem as big as the world itself, for air transport will cover the whole face of the globe and, what's more, go five or six miles up in the air. It is also a problem that has never before confronted the world, so involved is it with the ways of war and of peace, with the needs of trade as well as transportation, with the dealings of diplomats as well as of businessmen. The people who are working on the problem have looked to history for some solid guidance. But they have been able to find only a few crumbs of precedent.

The biggest fight is over the biggest phrase, "Freedom of the Air," a phrase which has become a catchword before it has become a definition. In itself, freedom of the air would mean that anybody could fly anywhere at any time for any peaceful purpose. But no freedom of the air advocate goes so far (except, possibly, Vice-President Henry Wallace, of U.S.A., who has envisioned an international air authority which would open all skies equally to all peaceable countries).

The British refer to "freedom of the air" as "open sky." The opposite of open sky is "closed sky," and it is from this point that any realistic discussion of air rights begins. At various conventions held before 1930 most of the countries of the world agreed that a nation had sovereign rights to all the air that lay above it. No other nation could fly a plane through this air without permission. Along with this closed-sky doctrine of sovereignty, most nations recognised the rights of "innocent passage" which gave any private, non-commercial plane the right to fly anywhere except over restricted areas. It also granted the right to land for emergency repair, refuelling or refuge from weather. Since innocent passage did not extend to commercial planes, it was of no importance for air transport.

Possible Compromises

Post-war air arrangements will undoubtedly fall somewhere between closed and open sky. With air sovereignty as the base, modified agreements can be made for commercial planes. Such arrangements could be:

(1) The right to fly over a country without landing.

WE suggested last week that those who advocate national control of the skies when the war ends should study an air atlas. Since that comment was made English and American newspapers have arrived with articles both advocating and opposing the "open sky." Here is a condensation of a review of the whole position in New York "Life," with some slight additions from other sources.

(2) The right to fly to a country, land, but fly no farther across the country.

(3) The right to fly into and over a country with the privilege of landing for fuel, repairs or safety; this is simply the right of air transit.

(4) The right to fly into a country, land, drop off and pick up cargo and passengers coming from or going to foreign points.

(5) All the rights of No. 4 with the additional right to stop anywhere within the country to take on or drop off passengers and cargo at any point for any other point. The last is really the open sky.

Arrangement No. 3, the right of air transport, has been suggested by President Roosevelt as the starting point of a post-war air agreement with Great Britain. As the President put it, a Canadian air line flying to the Bahamas could be permitted to land in New York and Miami but not to carry American passengers between those cities. Arrangement No. 4, which would allow passengers from or to Canada or the Bahamas to be loaded or unloaded at New York and Miami, is the one favoured by many U.S. air officials, and may be the one actually in the President's mind. It can be called the right of commercial air outlets.

Deals Before Phrases

When it gets down to cases, the settling of the post-war air will be a matter of deals rather than phrases. Despite the fact that the world has operated from a closed-sky basis, international air transport managed to stretch itself over much of the world. Before the war, U.S. planes flown by Pan-American Airways had the right to fly into 38 countries. Germany had landing arrangements with 33 countries, England with 31, the Netherlands with 27, France with 22. Under some of these agreements, countries granted each other reciprocal flying rights through their air. Pan-American, however, made non-reciprocal deals because, as a private company, it had no right to make deals for the U.S. air and because most

of the countries to which it flew were not interested in flying into the U.S. The U.S., which always advocated freedom of the air, refused to let either the Dutch or Germans into the U.S. air. It did have reciprocal agreements with England, France, Canada, and Colombia. The only country which took commercial advantage of its reciprocal rights was Canada, whose planes flew regularly into the U.S.

The closed sky did not always aid aerial efficiency. Germany and Russia made and broke off aerial relations a couple of times before the war. Turkey was reluctant to let anybody fly over her territory, forcing England to land her planes in Greece and grant concessions to the Greeks. Iran forced England to make an extensive detour around her borders because the English did not want to fly the dangerous desert-mountain route the Iranians had plotted for foreign planes.

Britain Deeply Concerned

The fight for top place in the post-war air is much more desperate for the British than for the Americans. Britain's economy leans far more heavily on foreign trade than America's does. In pre-war days, the British Empire was involved in 40 per cent of the world's international trade. The revenue and influence she derives from shipping and other accessories to foreign trade are absolutely vital to Great Britain. Without them she would be a puny power. But to the U.S. foreign trade in itself is of lesser importance.

On the other hand, Great Britain with its Empire owns the most nearly complete chain of round-the-world air-base sites. Only in the Pacific is there any break in the chain. Britain, therefore, can be more independent of foreign air bases than any other country.

The U.S. is poor in bases. Eastward its aerial sovereignty ends at the Atlantic seaboard. Southward it can go no farther than Panama. Only in the Pacific does it have any long reach. There it can go to Manila and to Alaska without crossing or stopping at any foreign place. So far as other countries are concerned, the U.S. itself is an aerial end-of-the-line. Only planes flying between Canada, the Caribbean, and Latin America will want to cross it.

The advantage is not, however, quite as one-sided as it seems. By making deals with Portugal and France, whose empires afford possible stepping-stones

(continued on next page)