

CONTRACTING STATES AND COMMITTED TO THEIR UNDERTAKINGS IN THE CHICAGO CONVENTION, THEN THE PROVISIONS OF ARTICLE 7 OF THE CONVENTION COME INTO PLAY. IT IS DIFFICULT TO SEE HOW MEMBER STATES, AS CONTRACTING STATES OF THE CONVENTION, CAN EXTEND THIS RIGHT EXCLUSIVELY THEMSELVES.

THIS PROVISION OF THE CONVENTION HAS NEVER BEEN ACTUALLY INVOKED AND TESTED IN SUCH A CONTEXT. IF CONTESTED BY THE COMMUNITY IT WILL BE INTERESTING TO SEE HOW UNDER ARTICLES 84 AND 85, ON DISPUTES AND DEFAULT, OF THE CHICAGO CONVENTION, THE ICAO COUNCIL, OR ON APPEAL, THE AD HOC TRIBUNAL OR THE INTERNATIONAL COURT OF JUSTICE WILL RULE. HOWEVER THE COMMUNITY MAY WELL MAKE CABOTAGE NEGOTIABLE ON THE BASIS OF RECIPROCITY, ALTHOUGH THIRD COUNTRIES CAN BE EXPECTED TO MAINTAIN THAT RECIPROCITY MAY BE NEGOTIABLE IF FIFTH FREEDOMS AND CABOTAGE CONTINUE TO CO-EXIST IN THE COMMUNITY. HOWEVER, IF FIFTH FREEDOMS AND CABOTAGE WERE TO DISAPPEAR WITHIN THE COMMUNITY, THEN CABOTAGE FOR THIRD COUNTRY CARRIERS IN THE COMMUNITY WOULD BE NO MORE THAN THE