

step towards an international agreement on aircraft noise. Perhaps international air lawyers could then produce regulations and provisions for their world-wide enforcement. The time may come when all new aircraft will be required to demonstrate that they do not exceed a set of internationally-accepted noise levels.

One of the agreements signed at Chicago was the International Air Services Transit Agreement — commonly known as “the two freedoms agreement” — in which freedom of mutual overflight was guaranteed. Such flights, if at supersonic speeds, promise to disturb and annoy those on the ground under the SST’s flight path. Consequently, if overflight is to be permitted, international agreements will have to be reached on the level of the noise from the sonic boom to be tolerated.

Domestically, old common law conceptions of property ownership from the soil upwards *usque ad coelum* have been limited legislatively and judicially to meet the requirements of country-wide air travel. To have recognized private claims to air-space would have interfered with development of aviation in the public interest. The extent to which airlines will be able to take advantage of technological progress in aviation will depend upon the willingness of countries to exchange “freedom of the air” on a multilateral basis.

Problem of Liability

Another specific problem is that of liability. In 1965 the United States denounced certain provisions of the Warsaw Convention of 1929 limiting the liability of air-carriers for personal injury or death of passengers in international air-carriage. This denunciation was withdrawn last year when most of the world’s major airlines entered into an agreement in which they accepted considerably increased limits of passenger liability. It would not seem advisable, however, that a matter of this nature, which is really one of governmental responsibility, should continue to function for too long as an agreement between carriers. It is time some fresh attempts were made to draft new protocols perhaps introducing some flexibility in the amount of the limits of liability. I might mention that the draft convention on liability now under active consideration in the UN Legal Sub-Committee on Outer Space will probably adopt criteria of absolute liability for damage caused on earth or in the air space. Urgent thought should, therefore, be given by air lawyers as to how this may affect private international air law.

Still another problem which may require action internationally is that of integration. There is a growing tendency towards private arrangements for international co-operation. There are pooling arrangements, airline unions and various regional efforts at multilateralism such as the Scandinavian Airline System and Air Afrique and the proposed Air Union in Europe. The enormous cost of the next generation of aircraft will accelerate the merging process and, in turn, cause further difficulties in the negotiation of traffic rights, particularly if each of these new organizations considers its individual members to be one