

Law-Making in the International Civil Aviation Organisation (Vol. 7 in the PROCEDURAL ASPECTS OF INTERNATIONAL LAW Series)

BY THOMAS BUERGENTHAL, SYRACUSE UNIVERSITY PRESS, 1969, 247 pp incl Index

Professor Buergenthal's book is a valuable study in depth of the law-making or law-creating activities of the International Civil Aviation Organization (ICAO) in what he calls "four broad areas of legal concern", namely, membership of the Organization, legislation and regulations, settlement of disputes, and amendments to the Chicago Convention of 1944 on International Civil Aviation, as a result of which ICAO came into being. It is difficult to think of a book which provides more necessary reading for a specialist in air law, whether domestic or international air law, whilst being at the same time of extreme interest to all concerned with international law or the working of international institutions. As the book proceeds with its careful, detailed treatment of ICAO's legal accomplishments, the reader will find it supports the thesis propounded by the author in the General Introduction that each of the specialized international organizations tends to develop a *modus operandi* and special personality of its own, which cannot be apprehended merely by perusal of its constitutive instrument. Incidentally, the General Introduction provides a masterly brief introduction to the work and nature of ICAO. From the standpoint of the international aviation lawyer, with a primary interest in the technicalities of air law, the most useful part of the book is the treatment of ICAO's work in the formulation and adoption of International Standards and Recommended Practices (SARPS). But all the various law-making techniques and expedients of ICAO are fully covered. As the author points out, ICAO tends to avoid formal legal rulings "probably because they could force decisions that might be unacceptable to some States for political or economic reasons" (at p 229). In that connection, ICAO has been able to reshape a number of provisions of the Chicago Convention, so far as concerns their effect and application, without formally amending them. This and other matters provide support for the author's "single most important conclusion", namely, that ICAO has unusual capacity for adapting its constitutive instrument to the demands which have been made upon it for more than two decades.

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