

## The Regulation of International Commercial Aviation, by Stanley B. Rosenfield

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**THE REGULATION OF INTERNATIONAL COMMERCIAL AVIATION.** By Stanley B. Rosenfield. Dobbs Ferry, N.Y.: Oceana Publications, 1984, \$85.00.

Readers of such narrow but invaluable publications as *Aviation Daily*, the ten-page Washington newsletter of the aviation industry, are often called upon to understand subjects beyond the breadth of their necessarily restricted sights. In the field of international economic regulation of air carriage, for example, one such complex subject is frequently reported by "the *Daily*." This is the subject of the so-called "freedoms" of air carriage provided by treaties to international air carriers through the states of which they are nationals. These "freedoms" (of overflight, landing, discharging cargoes and passengers) are numbered in the treaties as "first" through "fifth" freedoms and are usually discussed under these designations. Each "freedom" is concerned with a particular set of circumstances described in the original treaties. They are not very difficult to remember but the International Civil Aviation Organization (ICAO) has seen fit to publish a large poster with graphic representations of what is meant by each of the "five freedoms" of the air. All of these "freedoms" are fully described in Professor Rosenfield's volume *The Regulation of International Commercial Aviation*, and the descriptions are lucid and careful.

There is something known as a "sixth freedom," however, which is totally mystifying to one unfamiliar with aviation law because it is not described in the original treaty which gave rise to the majority of these rights (the much-rejected 1944 International Air Transport Agreement). It is never explained in *Aviation Daily* or in *Aviation Week and Space Technology*, although it is mentioned in both publications in articles dealing with bilateral air transportation negotiations between the United States and other countries. Since the subject of these "freedoms" is rarely covered in the scant literature of aviation law and the aviation industry, it is almost impossible for readers outside the field to understand the kinds of air carriage which correspond to the description "sixth freedom." Now comes Professor Rosenfield to our rescue. His section on "Freedoms of the Air" contains a clear and concise description of the "sixth freedom." It does not stop there, however, as it contains descriptions of three separate kinds of "fifth freedom" activity and descriptions of a "seventh freedom" and an "eighth freedom."

The author of this book has labored long in the narrow field of international economic regulation of air carriage, and if this book can be faulted it is that it does not fully share the author's knowledge of the arcana of this murky world of negotiations to which his own experience has admitted him. Are these "sixth, seventh and eighth freedoms" found in any of the hun-

dreds of bilateral air agreements between the United States and other countries about which the author tells us in another chapter? If so, how about a current example? But the author's treatment of this subject alone might be worth the price of admission because without it one would be forced to make a string of long distance telephone calls to the Department of State and the Department of Transportation and some of the more influential chancelleries in order to come to an understanding of the contents and meanings of bilateral air transportation agreements.

This book is not complete at the time of this review. It is being published in installments consisting of thin pamphlets, described as booklets, dealing with a great number of specialized subjects within the frame of the title of the book. However, the Table of Contents is complete, and appears very enticing. At present there are only thirteen booklets in print. Approximately half of each booklet consists of a reprint of an authoritative document of the ICAO. While this presentation is rather uncustomary it is useful because the greater number of these documents are generally not acquisitioned in normal law collections. All of the documents are for sale by the ICAO but that frequently does not help the reader in search of an answer. If these reprints are the main contribution of the work then one could have hoped for a more thorough analysis from the author.

The publisher seems to have paid less attention to this work than he might have done while it was in the press for it is replete with small errors which mar it. For example, have you ever heard of an authentic "triligence" text of a treaty? (See Booklet 2, p. 3.)

Despite these blemishes, the world of aviation lawyers will be grateful for the publication of this useful and comprehensive book. It is a much needed tool.

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