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PROVISIONAL AGENDA OF THE TENTH REGULAR  
SESSION OF THE GENERAL ASSEMBLY: ITEM PROPOSED  
BY THE SECRETARY-GENERAL

APPLICATION OF THE FEDERAL REPUBLIC OF GERMANY  
FOR MEMBERSHIP IN THE INTERNATIONAL CIVIL AVIATION ORGANIZATION

Note by the Secretary-General

1. The Secretary-General has received from the Secretary-General of the International Civil Aviation Organization a note transmitting, in accordance with article II of the Agreement between the United Nations and the International Civil Aviation Organization, an application from the Government of the Federal Republic of Germany for admission to participation in the Convention on International Civil Aviation.
2. The Secretary-General therefore has the honour to propose the following item for inclusion in the provisional agenda of the tenth regular session of the General Assembly: "Application of the Federal Republic of Germany for membership in the International Civil Aviation Organization".
3. The communication mentioned above is attached, together with an explanatory memorandum prepared by the Secretary-General in accordance with rule 20 of the rules of procedure of the General Assembly.

ANNEX I

1. Note dated 15 June 1955 from the Secretary-General of the International Civil Aviation Organization addressed to the Secretary-General

Montreal, 15 June 1955

The Secretary-General of the International Civil Aviation Organization presents his compliments to the Secretary-General of the United Nations and has the honour to transmit, for presentation to the General Assembly of the United Nations at its forthcoming session, in accordance with article II of the Agreement between the United Nations and the International Civil Aviation Organization, the enclosed application for admission to participation in the Convention on the International Civil Aviation, received from the Government of the Federal Republic of Germany.

The application was considered at the ninth session of the Assembly which adopted the resolution attached to this note.

2. Letter dated 23 May 1955 from the State Secretary in the Ministry for Foreign Affairs of the Federal Republic of Germany, addressed to the Secretary-General of the International Civil Aviation Organization

Bonn, 23 May 1955

In implementation of the undertaking entered into by the Federal Republic of Germany under article 2 of chapter twelve of the Convention on the settlement of Matters arising out of the War and the Occupation, I have the honour to apply for the admission of the Federal Republic of Germany to membership in the International Civil Aviation Organization according to the provisions of article 93 of the Convention on International Civil Aviation signed at Chicago on 7 December 1944.

(Signed) W. HALLSTEIN

5. Resolution adopted by the Ninth Session of the Assembly of the International Civil Aviation Organization

WHEREAS

The Government of the Federal Republic of Germany applied for admission to participation in the Convention on International Civil Aviation by a note received by the Secretary-General on 26 May 1955;

WHEREAS

Article 93 of the Convention makes provision for the admission to participation therein of certain States such as the Federal Republic of Germany;

THE ASSEMBLY RESOLVES:

To admit the Federal Republic of Germany to participation in the Convention, subject to the approval of the General Assembly of the United Nations and to the deposit by the Federal Republic of Germany with the Government of the United States of America of an instrument of adherence, which shall take effect the thirtieth day after such deposit;

AND DIRECTS

The Secretary-General to transmit this resolution to the United Nations.

ANNEX II

Explanatory memorandum by the Secretary-General

1. As stated in the note by the Secretary-General at the beginning of the present document, the Secretary-General has received from the Secretary-General of the International Civil Aviation Organization a note transmitting, in accordance with article II of the Agreement between the United Nations and the International Civil Aviation Organization, an application from the Government of the Federal Republic of Germany for admission to participation in the Convention on International Civil Aviation.
2. The present memorandum sets forth the articles of the relevant instruments and other background information which may be of assistance to the General Assembly in its consideration of the question.
3. Article II of the Agreement between the United Nations and ICAO reads as follows:

"Any application submitted to the International Civil Aviation Organization by States other than those provided for in articles 91 and 92 (a)<sup>1/</sup> of the Convention on International Civil Aviation to become parties

- 1/ Articles 91 and 92 (a) of the Convention on International Civil Aviation read as follows:

"Article 91

"(a) This Convention shall be subject to ratification by the signatory States. The instruments of ratification shall be deposited in the archives of the Government of the United States of America, which shall give notice of the date of the deposit to each of the signatory and adhering States.

"(b) As soon as this Convention has been ratified or adhered to by twenty-six States it shall come into force between them on the thirtieth day after deposit of the twenty-sixth instrument. It shall come into force for each State ratifying thereafter on the thirtieth day after the deposit of its instrument of ratification.

"(c) It shall be the duty of the Government of the United States of America to notify the Government of each of the signatory and adhering States of the date on which this Convention comes into force.

"Article 92

"(a) This Convention shall be open for adherence by Members of the United Nations and States associated with them, and States which remained neutral during the present world conflict".

to the Convention, shall be immediately transmitted by the secretariat of the Organization to the General Assembly of the United Nations. The General Assembly may recommend the rejection of such application, and any such recommendation shall be accepted by the Organization. If no such recommendation is made by the General Assembly at the first session following receipt of the application, the application shall be decided upon by the Organization in accordance with the procedure established in article 93<sup>2/</sup> of the Convention."

4. The General Assembly may be interested to recall the action taken by it in respect of the applications for membership in ICAO of which the Secretary-General has received notifications to date from other non-members of the United Nations, namely Italy (A/352),<sup>3/</sup> Austria (A/386),<sup>4/</sup> Finland (A/581),<sup>5/</sup> and Japan (A/2176 and Add.1).<sup>6/</sup>

5. At its second session, by resolutions 121 (II) and 122 (II) of 31 October and 1 November 1947 respectively, the General Assembly decided to inform ICAO that it had no objection to the admission of Italy and Austria to that Organization. At its third regular session, by resolution 203 (III) of 18 November 1948, the Assembly decided to inform ICAO that it had no objection to the admission of Japan.

3/ Article 93 of the Convention on International Civil Aviation reads as follows:

"Article 93

"States other than those provided for in articles 91 and 92 (a) may, subject to approval by any general international organization set up by the nations of the world to preserve peace, be admitted to participation in this Convention by means of a four-fifths vote of the Assembly and on such conditions as the Assembly may prescribe: provided that in each case the assent of any State invaded or attacked during the present war by the State seeking admission shall be necessary".

3/ See Official Records of the General Assembly, Second Session, Second Committee, Annex 7.

4/ Ibid., annex 7 a.

5/ Ibid., Third Session, Part I, Plenary Meetings Annexes.

6/ Ibid., Seventh Session, Annexes, agenda item 64.