

Air services transit agreement between the United States of America and other powers. Opened for signature at Chicago December 7, 1944; signed for the United States of America December 7, 1944; accepted by the United States of America February 8, 1945, with an understanding.

December 7, 1944
[E. A. S. 487]

INTERNATIONAL AIR SERVICES TRANSIT AGREEMENT

The States which sign and accept this International Air Services Transit Agreement, being members of the International Civil Aviation Organization, declare as follows:

ARTICLE I

Section 1

Each contracting State grants to the other contracting States the following freedoms of the air in respect of scheduled international air services:

Privileges granted.

- (1) The privilege to fly across its territory without landing;
- (2) The privilege to land for non-traffic purposes.

The privileges of this section shall not be applicable with respect to airports utilized for military purposes to the exclusion of any scheduled international air services. In areas of active hostilities or of military occupation, and in time of war along the supply routes leading to such areas, the exercise of such privileges shall be subject to the approval of the competent military authorities.

Limitations on applicability.

Section 2

The exercise of the foregoing privileges shall be in accordance with the provisions of the Interim Agreement on International Civil Aviation [1] and, when it comes into force, with the provisions of the Convention on International Civil Aviation [2], both drawn up at Chicago on December 7, 1944.

Ante, p. 1516.

Section 3

A contracting State granting to the airlines of another contracting State the privilege to stop for non-traffic purposes may require such airlines to offer reasonable commercial service at the points at which such stops are made.

Commercial service.

Such requirement shall not involve any discrimination between airlines operating on the same route, shall take into account the capacity of the aircraft, and shall be exercised in such a manner as not to prejudice the normal operations of the international air services concerned or the rights and obligations of a contracting State.

¹ [Executive Agreement Series 469.]

² [International Civil Aviation Conference, Chicago, Illinois, November 1 to December 7, 1944, Final Act and Related Documents, pp. 59-86.]

Section 4

Each contracting State may, subject to the provisions of this Agreement,

Designation of route, etc.

(1) Designate the route to be followed within its territory by any international air service and the airports which any such service may use;

Charges.

(2) Impose or permit to be imposed on any such service just and reasonable charges for the use of such airports and other facilities; these charges shall not be higher than would be paid for the use of such airports and facilities by its national aircraft engaged in similar international services: provided that, upon representation by an interested contracting State, the charges imposed for the use of airports and other facilities shall be subject to review by the Council of the International Civil Aviation Organization established under the above-mentioned Convention, which shall report and make recommendations thereon for the consideration of the State or States concerned.

Section 5

Withholding or revoking certificate or permit.

Each contracting State reserves the right to withhold or revoke a certificate or permit to an air transport enterprise of another State in any case where it is not satisfied that substantial ownership and effective control are vested in nationals of a contracting State, or in case of failure of such air transport enterprise to comply with the laws of the State over which it operates, or to perform its obligations under this Agreement.

ARTICLE II

Section 1

Examination of action by Council.

A contracting State which deems that action by another contracting State under this Agreement is causing injustice or hardship to it, may request the Council to examine the situation. The Council shall thereupon inquire into the matter, and shall call the States concerned into consultation. Should such consultation fail to resolve the difficulty, the Council may make appropriate findings and recommendations to the contracting States concerned. If thereafter a contracting State concerned shall in the opinion of the Council unreasonably fail to take suitable corrective action, the Council may recommend to the Assembly of the above-mentioned Organization that such contracting State be suspended from its rights and privileges under this Agreement until such action has been taken. The Assembly by a two-thirds vote may so suspend such contracting State for such period of time as it may deem proper or until the Council shall find that corrective action has been taken by such State.

Recommendation to assembly.

Section 2

Disagreement respecting interpretation, etc., of Agreement.

If any disagreement between two or more contracting States relating to the interpretation or application of this Agreement cannot

be settled by negotiation, the provisions of Chapter XVIII of the above-mentioned Convention shall be applicable in the same manner as provided therein with reference to any disagreement relating to the interpretation or application of the above-mentioned Convention.

ARTICLE III

This Agreement shall remain in force as long as the above-mentioned Convention; provided, however, that any contracting State, a party to the present Agreement, may denounce it on one year's notice given by it to the Government of the United States of America, which shall at once inform all other contracting States of such notice and withdrawal.

Duration of Agreement.

ARTICLE IV

Pending the coming into force of the above-mentioned Convention, all references to it herein, other than those contained in Article II, Section 2, and Article V, shall be deemed to be references to the Interim Agreement on International Civil Aviation drawn up at Chicago on December 7, 1944; and references to the International Civil Aviation Organization, the Assembly, and the Council shall be deemed to be references to the Provisional International Civil Aviation Organization, the Interim Assembly, and Interim Council, respectively.

Ante, p. 1516.

ARTICLE V

For the purposes of this Agreement, "territory" shall be defined as in Article 2 of the above-mentioned Convention.

"Territory."

ARTICLE VI

SIGNATURES AND ACCEPTANCES OF AGREEMENT

The undersigned delegates to the International Civil Aviation Conference, convened in Chicago on November 1, 1944, have affixed their signatures to this Agreement with the understanding that the Government of the United States of America shall be informed at the earliest possible date by each of the governments on whose behalf the Agreement has been signed whether signature on its behalf shall constitute an acceptance of the Agreement by that government and an obligation binding upon it.

Any State a member of the International Civil Aviation Organization may accept the present Agreement as an obligation binding upon it by notification of its acceptance to the Government of the United States, and such acceptance shall become effective upon the date of the receipt of such notification by that Government.

This Agreement shall come into force as between contracting States upon its acceptance by each of them. Thereafter it shall become binding as to each other State indicating its acceptance to the Government of the United States on the date of the receipt of the acceptance by that Government. The Government of the United States shall inform all signatory and accepting States of the date of all acceptances

of the Agreement, and of the date on which it comes into force for each accepting State.^[3]

IN WITNESS WHEREOF, the undersigned, having been duly authorized, sign this Agreement on behalf of their respective governments on the dates appearing opposite their respective signatures.

DONE at Chicago the seventh day of December, 1944, in the English language.^[4] A text drawn up in the English, French, and Spanish languages, each of which shall be of equal authenticity, shall be opened for signature at Washington, D.C. Both texts shall be deposited in the archives of the Government of the United States of America, and certified copies shall be transmitted by that Government to the governments of all the States which may sign and accept this Agreement.

* [Notes of acceptance have been received by the Department of State from the following countries: Afghanistan, on May 17, 1945; Australia, on Aug. 28, 1945; Belgium, on July 19, 1945; Canada, on Feb. 10, 1945; Czechoslovakia, on Apr. 18, 1945; El Salvador, on June 1, 1945; Ethiopia, on Mar. 22, 1945; Greece, on Sept. 21, 1945; Honduras, on Nov. 13, 1945; India, on May 2, 1945, with the reservation that "In signifying their acceptance of these agreements, the Government of India wish me to point out that they do not regard Denmark or Thailand as being parties thereto, or themselves as being in treaty relations with either of these countries as a result of these agreements, since the Danish and Thai ministers in Washington who signed the final act and agreements did not represent the Governments in their own countries, and their signatures are regarded as having been given in their personal capacity only"; Iraq, on June 15, 1945; Liberia, on Mar. 19, 1945; Netherlands, on Jan. 12, 1945; New Zealand, on Apr. 19, 1945, with the reservation that "The Minister is instructed to add that the New Zealand Government does not regard Denmark or Thailand as being parties to the Agreements mentioned and does not regard itself as being in treaty relation with either of those countries with reference to these Agreements"; Norway, on Jan. 30, 1945; Paraguay, on July 27, 1945; Poland, on Apr. 6, 1945; Spain, on July 30, 1945; Sweden, on Nov. 19, 1945; Switzerland, on July 6, 1945; Turkey, on June 6, 1945; Union of South Africa, on Nov. 30, 1945; United Kingdom of Great Britain and Northern Ireland, on May 31, 1945, with the reservation that "In signifying their acceptance of the said Agreement, the Government of the United Kingdom desire to make it clear that they neither regard the Governments of Denmark and Siam as being parties thereto nor consider the United Kingdom as being in treaty relations with either of those countries in respect of the Agreement"; the United States of America, on February 8, 1945, with the understanding that "These acceptances by the Government of the United States of America are given with the understanding that the provisions of Article II, Section 2, of the International Air Services Transit Agreement . . . shall become operative as to the United States of America at such time as the Convention on International Civil Aviation, signed at the International Civil Aviation Conference, shall be ratified by the United States of America".]

⁴ [The present publication was printed from a lithographed certified copy of the signed original, prepared by the Department of State under date of Jan. 22, 1945. Signatures affixed to the original document subsequent to that date do not appear herein, but the dates of those signatures have been indicated in footnotes.]

FOR AFGHANISTAN:

A. HOSAYN AZIZ

FOR THE GOVERNMENT OF THE
COMMONWEALTH OF AUSTRALIA: [⁵]

FOR BELGIUM: [⁶]

FOR BOLIVIA:

TCNL. A. PACHECO.

FOR BRAZIL:

FOR CANADA: [⁷]

FOR CHILE:

R SAENZ

G. BISQUERT.

R MAGALLANES B.

FOR CHINA:

FOR COLOMBIA:

FOR COSTA RICA: [⁸]

FOR CUBA: [⁹]

FOR CZECHOSLOVAKIA: [¹⁰]

FOR THE DOMINICAN REPUBLIC:

FOR ECUADOR:

J. A. CORREA

FRANCISCO GOMEZ JURADO

FOR EGYPT:

M HASSAN

M ROUSHDY

M. A. KHALIFA

FOR EL SALVADOR: [¹¹]

FOR ETHIOPIA: [¹²]

FOR FRANCE:

M. HYMANS

C. LEBEL

BOURGES

P. LOCUSSOL

⁵ [Signed for Australia July 4, 1945.]

⁶ [Signed for Belgium Apr. 9, 1945.]

⁷ [Signed for Canada Feb. 10, 1945.]

⁸ [Signed for Costa Rica Mar. 10, 1945.]

⁹ [Signed for Cuba Apr. 20, 1945.]

¹⁰ [Signed for Czechoslovakia Apr. 18, 1945.]

¹¹ [Signed for El Salvador May 9, 1945.]

¹² [Signed for Ethiopia Mar. 22, 1945.]

FOR GREECE:

D NOTI BOTZARIZ
A. J. ARGYROPOULOS.

FOR GUATEMALA: [13]

FOR HAITI:

EDOUARD ROY

FOR HONDURAS:

E. P. LEFEBVRE

FOR ICELAND: [14]

FOR INDIA:

G BEWOOR

FOR IRAN:

M. SHAYESTEH

FOR IRAQ:

ALI JAWDAT

FOR IRELAND:

FOR LEBANON:

C CHAMOUN
F EL-HOSS

FOR LIBERIA:

WALTER F WALKER

FOR LUXEMBOURG: [15]

FOR MEXICO:

PEDRO A CHAPA

FOR THE NETHERLANDS:

M. STEENBERGHE
COFES
F. E. ARONSTEIN.

FOR THE GOVERNMENT OF NEW ZEALAND:

DANIEL GILES SULLIVAN

FOR NICARAGUA:

R. E. FRIZELL

FOR NORWAY: [16]

FOR PANAMA:

FOR PARAGUAY: [17]

¹³ [Signed for Guatemala Jan. 30, 1945.]

¹⁴ [Signed for Iceland Apr. 4, 1945.]

¹⁵ [Signed for Luxembourg July 9, 1945.]

¹⁶ [Signed for Norway Jan. 30, 1945.]

¹⁷ [Signed for Paraguay July 27, 1945.]

FOR PERU:

A REVOREDO
J. S. KOECHLIN
LUIS ALVARADO.
F ELGUERA
GUILLERMO VAN OORDT.

FOR THE PHILIPPINE COMMONWEALTH:

J HERNANDEZ
URBANO A. ZAFRA
J H FOLEY

FOR POLAND:

ZBYSLAW CIOLKOSZ
Dr. H. J. GORECKI.
STEFAN J. KONORSKI
WITOLD A. URBANOWICZ
LUDWIK H. GOTTLIEB

FOR PORTUGAL:

FOR SPAIN:

E. TERRADAS.
GERMÁN BARAIBAR

FOR SWEDEN:

R. KUMLIN

FOR SWITZERLAND: [¹⁸]

FOR SYRIA: [¹⁹]

FOR TURKEY:

S. KOCAK
F. SAHINBAS
ORHAN H. EROL

FOR THE UNION OF SOUTH AFRICA: [²⁰]

FOR THE GOVERNMENT OF THE UNITED KINGDOM
OF GREAT BRITAIN AND NORTHERN IRELAND:

I declare that, failing later notification of inclusion, my signature to this Agreement does not cover Newfoundland.[²¹]

SWINTON

FOR THE UNITED STATES OF AMERICA:

ADOLF A BERLE Jr
ALFRED L. BULWINKLE
CHAS. A. WOLVERTON
F. LA GUARDIA
EDWARD WARNER
L. WELCH POGUE
WILLIAM A. M. BURDEN

¹⁸ [Signed for Switzerland July 6, 1945.]

¹⁹ [Signed for Syria July 6, 1945.]

²⁰ [Signed for the Union of South Africa June 4, 1945.]

²¹ [Reservation excluding Newfoundland withdrawn Feb. 7, 1945.]

FOR URUGUAY:

CARL CARBAJAL
Col. MEDARDO R. FARIAS

FOR VENEZUELA:

La Delegación de Venezuela firma *ad referendum* y deja constancia de que la aprobación de este documento por su Gobierno está sujeta a las disposiciones constitucionales de los Estados Unidos de Venezuela.

F J SUCRE
J BLANCO USTÁRIZ

FOR YUGOSLAVIA:

FOR DENMARK:
HENRIK KAUFFMANN

FOR THAILAND:
M. R. SENI PRAMOJ