

Agreement between the United States of America and other powers respecting air transport. 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. 488]

INTERNATIONAL AIR TRANSPORT AGREEMENT

The States which sign and accept this International Air Transport 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;
- (3) The privilege to put down passengers, mail and cargo taken on in the territory of the State whose nationality the aircraft possesses;
- (4) The privilege to take on passengers, mail and cargo destined for the territory of the State whose nationality the aircraft possesses;
- (5) The privilege to take on passengers, mail and cargo destined for the territory of any other contracting State and the privilege to put down passengers, mail and cargo coming from any such territory.

With respect to the privileges specified under paragraphs (3), (4), and (5) of this section, the undertaking of each contracting State relates only to through services on a route constituting a reasonably direct line out from and back to the homeland of the State whose nationality the aircraft possesses.

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 Avia-

Ante, p. 1516.

tion [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.

Section 3

Commercial service.

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.

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 any contracting State.

Section 4

Each contracting State shall have the right to refuse permission to the aircraft of other contracting States to take on in its territory passengers, mail and cargo carried for remuneration or hire and destined for another point within its territory. Each contracting State undertakes not to enter into any arrangements which specifically grant any such privilege on an exclusive basis to any other State or an airline of any other State, and not to obtain any such exclusive privilege from any other State.

Section 5

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 6

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

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.]

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

The contracting States accept this Agreement as abrogating all obligations and understandings between them which are inconsistent with its terms, and undertake not to enter into any such obligations and understandings. A contracting State which has undertaken any other obligations inconsistent with this Agreement shall take immediate steps to procure its release from the obligations. If an airline of any contracting State has entered into any such inconsistent obligations, the State of which it is a national shall use its best efforts to secure their termination forthwith and shall in any event cause them to be terminated as soon as such action can lawfully be taken after the coming into force of this Agreement.

Abrogation of inconsistent obligations, etc.

Section 2

Subject to the provisions of the preceding section, any contracting State may make arrangements concerning international air services not inconsistent with this Agreement. Any such arrangement shall be forthwith registered with the Council, which shall make it public as soon as possible.

ARTICLE III

Each contracting State undertakes that in the establishment and operation of through services due consideration shall be given to the interests of the other contracting States so as not to interfere unduly with their regional services or to hamper the development of their through services.

Through services.

ARTICLE IV

Section 1

Any contracting State may by reservation attached to this Agreement at the time of signature or acceptance elect not to grant and receive the rights and obligations of Article I, Section 1, paragraph (5), and may at any time after acceptance, on six months' notice given by it to the Council, withdraw itself from such rights and obligations. Such contracting State may on six months' notice to the Council assume or resume, as the case may be, such rights and obligations. No contracting State shall be obliged to grant any rights under the said paragraph to any contracting State not bound thereby.

Reservation allowable.

Section 2

A contracting State which deems that action by another contracting State under this Agreement is causing injustice or hardship to it,

Examination of action by Council.

Recommendation to
Assembly.

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.

Section 3

Disagreement re-
specting interpreta-
tion, etc., of Agree-
ment.

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 V

Duration of Agree-
ment.

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.

ARTICLE VI

Ante, p. 1516.

Pending the coming into force of the above-mentioned Convention, all references to it herein other than those contained in Article IV, Section 3, and Article VII 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 the Interim Council, respectively.

ARTICLE VII

"Territory."

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

ARTICLE VIII

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.^[3] 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.

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

³ [Notes of acceptance have been received by the Department of State from the following countries: Afghanistan, on May 17, 1945; China, on June 6, 1945, with the understanding that the provisions of Article IV Section 3 of the International Air Transport Agreement shall become operative in so far as the Government of China is concerned at such time as the Convention on International Civil Aviation, signed at the International Civil Aviation Conference, shall be ratified by the Government of China; El Salvador, on June 1, 1945; Ethiopia, on Mar. 22, 1945; Honduras, on Nov. 13, 1945; Liberia, on Mar. 19, 1945; Netherlands, on Jan. 12, 1945, with a reservation regarding the fifth freedom, withdrawn Sept. 21, 1945; Nicaragua, on Dec. 28, 1945; Paraguay, on July 27, 1945; Sweden, on Nov. 19, 1945; Turkey, on June 6, 1945; United States of America on Feb. 8, 1945, "with the understanding that . . . the provisions of Article IV, Section 3 of the International Air Transport 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:

FOR BELGIUM

FOR BOLIVIA:

TENL. A. PACHECO.

FOR BRAZIL:

FOR CANADA:

FOR CHILE:

FOR CHINA:

CHANG KIA-NGAU

FOR COLOMBIA:

FOR COSTA RICA:[⁵]

FOR CUBA:[⁶]

FOR CZECHOSLOVAKIA:

FOR THE DOMINICAN REPUBLIC:

C. A. McLAUGHLIN

FOR ECUADOR:

J. A. CORREA

FRANCISCO GOMEZ JURADO

FOR EGYPT:

FOR EL SALVADOR:[⁷]

FOR ETHIOPIA:[⁸]

FOR FRANCE:

FOR GREECE:

FOR GUATEMALA:[⁹]

FOR HAITI:

EDOUARD ROY

FOR HONDURAS:

E. P. LEFEBVRE

FOR ICELAND:[¹⁰]

FOR INDIA:

FOR IRAN:

FOR IRAQ:

FOR IRELAND:

⁵ [Signed for Costa Rica Mar. 10, 1945.]

⁶ [Signed for Cuba Apr. 20, 1945.]

⁷ [Signed for El Salvador May 9, 1945.]

⁸ [Signed for Ethiopia Mar. 22, 1945.]

⁹ [Signed for Guatemala Jan. 30, 1945.]

¹⁰ [Signed for Iceland Apr. 4, 1945.]

FOR LEBANON:

Ad referendum concerning the fifth freedom enumerated in Art I section 1.—

C CHAMOUN

FOR LIBERIA:

WALTER F. WALKER

FOR LUXEMBOURG:

FOR MEXICO:

PEDRO A CHAPA

FOR THE NETHERLANDS:

M. STEENBERGHE
F C. ARONSTEIN.

In accordance with the provisions of art IV section 1 of this agreement the Netherlands Delegation hereby accept only the first four privileges in art I section 1.

FOR THE GOVERNMENT OF NEW ZEALAND:

FOR NICARAGUA:

R. E. FRIZELL

FOR NORWAY:

FOR PANAMA:

FOR PARAGUAY: [11]

FOR PERU:

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

FOR THE PHILIPPINE COMMONWEALTH:

FOR POLAND:

FOR PORTUGAL:

FOR SPAIN:

FOR SWEDEN:

R. KUMLIN

FOR SWITZERLAND:

FOR SYRIA: [12]

FOR TURKEY:

S. KOÇAK
F. SAHINBAŞ
ORHAN H. EROL

In accordance with the provisions of Art. IV section 1 of this agreement the Turkish delegation hereby accept only the first four privileges in Art. I sect. 1 and leave the acceptance of the fifth privilege to the discretion of their government.

¹¹ [Signed for Paraguay July 27, 1945]

¹² [Signed for Syria July 6, 1945.]

FOR THE UNION OF SOUTH AFRICA:

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

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

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