COMMERCIAL AVIATION (INTER-AMERICAN)

Convention signed at Havana February 20, 1928
Senate advice and consent to ratification February 20, 1931
Ratified by the President of the United States March 6, 1931
Ratification of the United States deposited at Havana July 17, 1931
Entered into force June 13, 1929; for the United States August 26, 1931
Proclaimed by the President of the United States July 27, 1931
Terminated as to the United States November 29, 1947 ¹

47 Stat. 1901; Treaty Series 840

CONVENTION

The Governments of the American Republics, desirous of establishing the rules they should observe among themselves for aerial traffic, have decided to lay them down in a convention, and to that effect have appointed as their plenipotentiaries:

Perú: Jesús Melquiades Salazar, Víctor Maúrtua, Enrique Castro Oyanguren, Luis Ernesto Denegri.

Uruguay: Jacobo Varela Acevedo, Juan José Amézaga, Leonel Aguirre, Pedro Erasmo Callorda.

Panamá: Ricardo J. Alfaro, Eduardo Chiari.

Ecuador: Gonzalo Zaldumbide, Víctor Zevallos, Colón Eloy Alfaro.


Guatemala: Carlos Salazar, Bernardo Alvarado Tello, Luis Beltranena, José Azurdia.

Nicaragua: Carlos Cuadra Pazos, Joaquín Gómez, Máximo H. Zepeda.

Bolivia: José Antezana, Adolfo Costa du Rels.

¹ Pursuant to notice of denunciation given by the United States May 29, 1947, in accordance with terms of art. 37.
Venezuela: Santiago Key Ayala, Francisco Gerardo Yanes, Rafael Angel Arraiz.

Colombia: Enrique Olaya Herrera, Jesús M. Yepes, Roberto Urdaneta Arbeláez, Ricardo Gutiérrez Lee.

Honduras: Fausto Dávila, Mariano Vázquez.

Costa Rica: Ricardo Castro Beeche, J. Rafael Oreamuno, Arturo Tinoco.

Chile: Alejandro Lira, Alejandro Alvarez, Carlos Silva Vildósola, Manuel Bianchi.

Brazil: Raúl Fernandes, Lindolfo Collor, Alarico da Silveira, Sampaio Correa, Eduardo Espínola.

Argentina: Honorio Pueyrredón, (Later resigned), Laurentino Olascoaga, Felipe A. Espil.

Paraguay: Lisandro Díaz León.

Haiti: Fernando Dennis, Charles Riboul.


Cuba: Antonio S. de Bustamante, Orestes Ferrara, Enrique Hernández Cartaya, José Manuel Cortina, Aristídes Agüero, José B. Alemán, Manuel Márquez Sterling, Fernando Ortiz, Néstor Carbonell, Jesús María Barraqué.

Who, after having exchanged their respective full powers, which have been found to be in good and due form, have agreed upon the following:

ARTICLE 1

The high contracting parties recognize that every state has complete and exclusive sovereignty over the air space above its territory and territorial waters.

ARTICLE 2

The present convention applies exclusively to private aircraft.

ARTICLE 3

The following shall be deemed to be state aircraft:

a) Military and naval aircraft;
b) Aircraft exclusively employed in state service, such as posts, customs, and police.

Every other aircraft shall be deemed to be a private aircraft.

All state aircraft other than military, naval, customs and police aircraft shall be treated as private aircraft and as such shall be subject to all the provisions of the present convention.

**ARTICLE 4**

Each contracting state undertakes in time of peace to accord freedom of innocent passage above its territory to the private aircraft of the other contracting states, provided that the conditions laid down in the present convention are observed. The regulations established by a contracting state with regard to admission over its territory of aircraft of other contracting states shall be applied without distinction of nationality.

**ARTICLE 5**

Each contracting state has the right to prohibit, for reasons which it deems convenient in the public interest, the flight over fixed zones of its territory by the aircraft of the other contracting states and privately owned national aircraft employed in the service of international commercial aviation, with the reservation that no distinction shall be made in this respect between its own private aircraft engaged in international commerce and those of the other contracting states likewise engaged. Each contracting state may furthermore prescribe the route to be followed over its territory by the aircraft of the other states, except in cases of *force majeure* which shall be governed in accordance with the stipulations of Article 18 of this convention. Each state shall publish in advance and notify the other contracting states of the fixation of the authorized routes and the situation and extension of the prohibited zones.

**ARTICLE 6**

Every aircraft over a prohibited area shall be obliged, as soon as this fact is realized or upon being so notified by the signals agreed upon, to land as soon as possible outside of said area in the airdrome nearest the prohibited area over which it was improperly flying and which is considered as an international airport by the subjacent state.

**ARTICLE 7**

Aircraft shall have the nationality of the state in which they are registered and can not be validly registered in more than one state.

The registration entry and the certificate of registration shall contain a description of the aircraft and state, the number or other mark of identification given by the constructor of the machine, the registry marks and nation-
Article 8

The registration of aircraft referred to in the preceding article shall be made in accordance with the laws and special provisions of each contracting state.

Article 9

Every aircraft engaged in international navigation must carry a distinctive mark of its nationality, the nature of such distinctive mark to be agreed upon by the several contracting states. The distinctive marks adopted will be communicated to the Pan American Union and to the other contracting states.

Article 10

Every aircraft engaged in international navigation shall carry with it in the custody of the aircraft commander:

a) A certificate of registration, duly certified to according to the laws of the state in which it is registered;

b) A certificate of airworthiness, as provided for in Article 12;

c) The certificates of competency of the commander, pilots, engineers, and crew, as provided for in Article 13;

d) If carrying passengers, a list of their names, addresses and nationality;

e) If carrying merchandise, the bills of lading and manifests, and all other documents required by customs laws and regulations of each country;

f) Log books;

g) If equipped with radiotelegraph apparatus, the corresponding license.

Article 11

Each contracting state shall every month file with every other state party to this convention and with the Pan American Union, a copy of all registrations and cancellations of registrations of aircraft engaged in international navigation as between the several contracting states.

Article 12

Every aircraft engaged in international navigation (between the several contracting states) shall be provided with a certificate of airworthiness issued by the state whose nationality it possesses.

This document shall certify to the state in which the aircraft is to operate, that, according to the opinion of the authority that issues it, such aircraft complies with the airworthiness requirements of each of the states named in said certificate.
The aircraft commander shall at all times hold the certificate in his custody and shall deliver it for inspection and verification to the authorized representatives of the state which said aircraft visits.

Each contracting state shall communicate to the other states parties to this convention and to the Pan American Union its regulations governing the rating of its aircraft as to airworthiness and shall similarly communicate any changes made therein.

While the states affirm the principle that the aircraft of each contracting state shall have the liberty of engaging in air commerce with the other contracting states without being subjected to the licensing system of any state with which such commerce is carried on, each and every contracting state mentioned in the certificate of airworthiness reserves the right to refuse to recognize as valid the certificate of airworthiness of any foreign aircraft where inspection by a duly authorized commission of such state shows that the aircraft is not, at the time of inspection, reasonably airworthy in accordance with the normal requirements of the laws and regulations of such state concerning the public safety.

In such cases said state may refuse to permit further transit by the aircraft through its air space until such time as it, with due regard to the public safety, is satisfied as to the airworthiness of the aircraft, and shall immediately notify the state whose nationality the aircraft possesses and the Pan American Union of the action taken.

**ARTICLE 13**

The aircraft commander, pilots, engineers, and other members of the operating crew of every aircraft engaged in international navigation between the several contracting states shall, in accordance with the laws of each state, be provided with a certificate of competency by the contracting state whose nationality the aircraft possesses.

Such certificate or certificates shall set forth that each pilot, in addition to having fulfilled the requirements of the state issuing the same, has passed a satisfactory examination with regard to the traffic rules existing in the other contracting states over which he desires to fly. The requirements of form of said documents shall be uniform throughout all the contracting states and shall be drafted in the language of all of them, and for this purpose the Pan American Union is charged with making the necessary arrangements amongst the contracting states.

Such certificate or certificates shall be held in the possession of the aircraft commander as long as the pilots, engineers and other members of the operating crew concerned continue to be employed on the aircraft. Upon the return of such certificate an authenticated copy thereof shall be retained in the files of the aircraft.

Such certificate or certificates shall be open at all times to the inspection of the duly authorized representatives of any state visited.
Each contracting state shall communicate to the other states parties to this convention and to the Pan American Union its regulations governing the issuance of such certificates and shall from time to time communicate any changes made therein.

**Article 14**

Each and every contracting state shall recognize as valid, certificates of competency of the aircraft commander, pilots, engineers and other members of the operating crew of an aircraft, issued in accordance with the laws and regulations of other contracting states.

**Article 15**

The carriage by aircraft of explosives, arms and munitions of war is prohibited in international aerial navigation. Therefore, no foreign or native aircraft authorized for international traffic shall be permitted to transport articles of this nature, either between points situated within the territory of any of the contracting states or through the same even though simply in transit.

**Article 16**

Each state may prohibit or regulate the carriage or use, by aircraft possessing the nationality of other contracting states, of photographic apparatus. Such regulations as may be adopted by each state concerning this matter shall be communicated to each other contracting state and to the Pan American Union.

**Article 17**

As a measure of public safety or because of lawful prohibitions, the transportation of articles in international navigation other than those mentioned in Articles 15 and 16 may be restricted by any contracting state. Such restrictions shall be immediately communicated to the other contracting states and to the Pan American Union.

All restrictions mentioned in this article shall apply equally to foreign and national aircraft employed in international traffic.

**Article 18**

Every aircraft engaged in international traffic which enters the air space of a contracting state with the intention of landing in said state shall do so in the corresponding customs airdrome, except in the cases mentioned in Article 19 and in case of force majeure, which must be proved.

Every aircraft engaged in international navigation, prior to its departure from the territorial jurisdiction of a contracting state in which it has landed, shall obtain such clearance as is required by the laws of such state at a port designated as point of departure by such state.
Each and every contracting state shall notify every other state party to this
convention and the Pan American Union of such airports as shall be desig­
nated by such state as ports of entry and departure.

When the laws or regulations of any contracting state so require, no air­
craft shall legally enter into or depart from its territory through places other
than those previously authorized by such state as international airports, and
the landing therein shall be obligatory unless a special permit, which has been
previously communicated to the authorities of said airport, is obtained from
the competent authorities of said state, in which permit shall be clearly ex­
pressed the distinctive marks which the aircraft is obliged to make visible
whenever requested to do so in the manner previously agreed upon in said
permit.

In the event that for any reason, after entering the territorial jurisdic­tion
of a contracting state, aircraft of another contracting state should land at
a point other than an airport designated as a port of entry in that state the
aircraft commander shall immediately notify the nearest competent authority
and hold himself, crew, passengers and cargo at the point of landing until
proper entry has been granted by such competent authority, unless com­
munication therewith is impracticable within twenty-four hours.

Aircraft of one of the contracting states which flies over the territory of
another contracting state shall be obliged to land as soon as ordered to do so by
means of the regulation signals, when for any reason this may be necessary.

In the cases provided for in this article, the aircraft, aircraft commander,
crew, passengers and cargo shall be subject to such immigration, emigration,
customs, police, quarantine or sanitary inspection as the duly authorized
representatives of the subjacent state may make in accordance with its laws.

**Article 19**

As an exception to the general rules, postal aircraft and aircraft belonging
to aerial transport companies regularly constituted and authorized may be
exempted, at the option of the subjacent state, from the obligation of landing
at an airdrome designated as a port of entry and authorized to land at certain
inland airdromes, designated by the customs and police administration of such
state, at which customs formalities shall be complied with. The departure of
such aircraft from the state visited may be regulated in a similar manner.

However, such aircraft shall follow the normal air route, and make their
identity known by signals agreed upon as they fly across the frontier.

**Article 20**

From the time of landing of a foreign aircraft at any point whatever until
its departure the authorities of the state visited shall have, in all cases, the
right to visit and examine the aircraft and to verify all documents with which
it must be provided, in order to determine that all the laws, rules and regula­
tions of such states and all the provisions of this convention are complied with.
ARTICLE 21

The aircraft of a contracting state engaged in international air commerce shall be permitted to discharge passengers and a part of its cargo at one of the airports designated as a port of entry of any other contracting state, and to proceed to any other airport or airports in such state for the purpose of discharging the remaining passengers and portions of such cargo and in like manner to take on passengers and load cargo destined for a foreign state or states, provided that they comply with the legal requirements of the country over which they fly, which legal requirements shall be the same for native and foreign aircraft engaged in international traffic and shall be communicated in due course to the contracting states and to the Pan American Union.

ARTICLE 22

Each contracting state shall have the right to establish reservations and restrictions in favor of its own national aircraft in regard to the commercial transportation of passengers and merchandise between two or more points in its territory, and to other remunerated aeronautical operations wholly within its territory. Such reservations and restrictions shall be immediately published and communicated to the other contracting states and to the Pan American Union.

ARTICLE 23

The establishment and operation of airdromes will be regulated by the legislation of each country, equality of treatment being observed.

ARTICLE 24

The aircraft of one contracting state engaged in international commerce with another contracting state shall not be compelled to pay other or higher charges in airports or airdromes open to the public than would be paid by national aircraft of the state visited, likewise engaged in international commerce.

ARTICLE 25

So long as a contracting state shall not have established appropriate regulations, the commander of an aircraft shall have rights and duties analogous to those of the captain of a merchant steamer, according to the respective laws of each state.

ARTICLE 26

The salvage of aircraft lost at sea shall be regulated, in the absence of any agreement to the contrary, by the principles of maritime law.

ARTICLE 27

The aircraft of all states shall have the right, in cases of danger, to all possible aid.
ARTICLE 28
Reparations for damages caused to persons or property located in the subjacent territory shall be governed by the laws of each state.

ARTICLE 29
In case of war the stipulations of the present convention shall not affect the freedom of action of the contracting states either as belligerents or as neutrals.

ARTICLE 30
The right of any of the contracting states to enter into any convention or special agreement with any other state or states concerning international aerial navigation is recognized, so long as such convention or special agreement shall not impair the rights or obligations of any of the states parties to this convention, acquired or imposed herein; provided, however, that two or more states, for reasons of reciprocal convenience and interest may agree upon appropriate regulations pertaining to the operation of aircraft and the fixing of specified routes. These regulations shall in no case prevent the establishment and operation of practicable inter-American aerial lines and terminals. These regulations shall guarantee equality of treatment of the aircraft of each and every one of the contracting states and shall be subject to the same conditions as are set forth in Article 5 of this convention with respect to prohibited areas within the territory of a particular state.
Nothing contained in this convention shall affect the rights and obligations established by existing treaties.

ARTICLE 31
The contracting states oblige themselves in so far as possible to cooperate in inter-American measures relative to:

a) The centralization and distribution of meteorological information, whether statistical, current or special;
b) The publication of uniform aeronautical charts, as well as the establishment of a uniform system of signals;
c) The use of radiotelegraph in aerial navigation, the establishment of the necessary radiotelegraph stations and the observance of the inter-American and international radiotelegraph regulations or conventions at present existing or which may come into existence.

ARTICLE 32
The contracting states shall procure as far as possible uniformity of laws and regulations governing aerial navigation. The Pan American Union shall cooperate with the governments of the contracting states to attain the desired uniformity of laws and regulations for aerial navigation in the states parties to this convention.
Each contracting state shall exchange with every other contracting state within three months after the date of ratification of this convention copies of its air-traffic rules and requirements as to competency for aircraft commanders, pilots, engineers, and other members of the operating crew, and the requirements for airworthiness of aircraft intended to engage in international commerce.

Each contracting state shall deposit with every other state party to this convention and with the Pan American Union three months prior to the date proposed for their enforcement any additions to or amendments of the regulations referred to in the last preceding paragraph.

**Article 33**

Each contracting state shall deposit its ratification with the Cuban Government, which shall thereupon inform the other contracting states. Such ratification shall remain deposited in the archives of the Cuban Government.

**Article 34**

The present convention will come into force for each signatory state ratifying it in respect to other states which have already ratified, forty days from the date of deposit of its ratification.

**Article 35**

Any state may adhere to this convention by giving notice thereof to the Cuban Government, and such adherence shall be effective forty days thereafter. The Cuban Government shall inform the other signatory states of such adherence.

**Article 36**

In case of disagreement between two contracting states regarding the interpretation or execution of the present convention the question shall, on the request of one of the governments in disagreement, be submitted to arbitration as hereinafter provided. Each of the governments involved in the disagreement shall choose another government not interested in the question at issue and the government so chosen shall arbitrate the dispute. In the event the two arbitrators cannot reach an agreement they shall appoint another disinterested government as additional arbitrator. If the two arbitrators cannot agree upon the choice of this third government, each arbitrator shall propose a government not interested in the dispute and lots shall be drawn between the two governments proposed. The drawing shall devolve upon the Governing Board of the Pan American Union.

The decision of the arbitrators shall be by majority vote.

**Article 37**

Any contracting state may denounce this convention at any time by transmitting notification thereof to the Cuban Government, which shall
communicate it to the other states parties to this convention. Such denuncia-
tion shall not take effect until six months after notification thereof to the
Cuban Government, and shall take effect only with respect to the state
making the denunciation.

In witness whereof, the above-named plenipotentiaries have signed this
convention and the seal of the Sixth International Conference of American
States has been hereto affixed.

Peru:
Jesús M. Salazar
Víctor M. Maúrtua
Luis Ernesto Denegri
E. Castro Oyanguren

Uruguay:
Varela
Pedro Erasmo Callorda

Panama:
R. J. Alfaro
Eduardo Chiari

Ecuador:
Gonzalo Zaldumbide
Víctor Zevallos
C. E. Alfaro

Mexico:
Julio García
Fernando González Roa
Salvador Urbina
Aquiles Elorduy

Salvador:
J. Gustavo Guerrero
Héctor David Castro
Ed. Alvarez

Guatemala:
Carlos Salazar
B. Alvarado
Luis Beltranena
J. Azurdia

Nicaragua:
Carlos Cuadra Pazos
Máximo H. Zepeda
Joaquín Gómez

Bolivia:
José Antezana
A. Costa du R.

Venezuela:
Santiago Key Avala
Francisco G. Yanes
Rafael Angel Arriage

Colombia:
Enrique Olaya Herrera
R. Gutiérrez Lee
J. M. Yepes

Honduras:
F. Dávila
Manuel Vázquez

Costa Rica:
Ricardo Castro Beeche
J. Rafael Oreamuno
A. Tinoco Jiménez

Chile:
Alejandro Lira
Alejandro Alvarez
C. Silva Vildósola
Manuel Bianchi

Brazil:
Raúl Fernandes
Lindolfo Collor

Argentina:
Lauretino Olascoaga
Felipe A. Espil
Carlos Alberto Alcorta

Paraguay:
Lisandro Díaz León
Juan Vicente Ramírez

Haití:
Fernando Dennis

Dominican Republic:
Frago, J. Peynado
Tulio M. Cesterro
Jacinto R. de Castro
Elías Brache
R. Pérez Alfonseca
United States of America:
Charles Evans Hughes
Noble Brandon Judah
Henry P. Fletcher
Oscar W. Underwood
Morgan J. O'Brien
James Brown Scott
Ray Lyman Wilbur
Leo S. Rowe

Cuba:
Antonio S. de Bustamante
Orestes Ferrara
E. Hernández Cartaya
Aristides de Agüero Bethencourt
M. Márquez Sterling
Néstor Carbonell

Reservation of the Dominican Republic

The delegation of the Dominican Republic records, as an explanation of its vote, that upon signing the present convention it does not understand that the Dominican Republic dissociates itself from conventions it has already ratified and which are in force.