

AIR TRANSPORT

Agreement opened for signature at Chicago December 7, 1944, and signed for the United States December 7, 1944

Accepted by the United States, with an understanding, February 8, 1945¹

Entered into force February 8, 1945²

Terminated as to the United States July 25, 1947³

59 Stat. 1701; Executive Agreement Series 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:

- (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.

¹ The United States accepted 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"

² Date of deposit of second instrument of acceptance.

³ Pursuant to notice of denunciation given by the United States July 25, 1946, in accordance with terms of art. V.

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.

Section 2

The exercise of the foregoing privileges shall be in accordance with the provisions of the Interim Agreement on International Civil Aviation⁴ and, when it comes into force, with the provisions of the Convention on International Civil Aviation,⁵ both drawn up at Chicago on December 7, 1944.

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.

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,

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

⁴ EAS 469, *post*, p. 929.

⁵ TIAS 1591, *post*, p. 944.

(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

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

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.

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.

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.

Section 2

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.

Section 3⁶

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

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.

⁶For text of U.S. understanding regarding art. IV, sec. 3, see footnote 1, p. 922.

ARTICLE VI

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

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. 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.⁷

DONE at Chicago the seventh day of December 1944, in the English language. A text drawn up in the English, French, and Spanish languages, each of which shall be of equal authenticity, shall be opened for signature

⁷ All signatures printed here were affixed on the opening day, Dec. 7, 1944; dates appear opposite signatures affixed thereafter.

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.

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| For Afghanistan:
A. HOSAYN AZIZ | For Iceland: |
| For the Government of the Commonwealth of Australia: | For India: |
| For Belgium: | For Iran: |
| For Bolivia:
TCNL. AL. PACHECO | For Iraq: |
| For Brazil: | For Ireland: |
| For Canada: | For Lebanon:
Ad referendum concerning the fifth freedom enumerated in Art I Section 1.
C. CHAMOUN, |
| For Chile: | For Liberia:
WALTER F. WALKER |
| For China:
CHANG KIA-NGAU | For Luxembourg: |
| For Colombia: | For Mexico:
PEDRO A. CHAPA |
| For Costa Rica: | For the Netherlands:
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. ⁹
M. STEENBERGHE
F. C. ARONSTEIN |
| For Cuba: | For the Government of New Zealand: |
| For Czechoslovakia: | For Nicaragua:
R. E. FRIZELL |
| For the Dominican Republic:
C. A. McLAUGHLIN | For Norway: |
| For Ecuador:
J. A. CORREA
FRANCISCO GOMEZ JURADO | For Panama: |
| For Egypt: | For Paraguay: |
| For El Salvador: | For Peru:
A. REVOREDO
J. S. KOEGLIN
LUIS ALVARADO
F. ELGUERA
GILMO VAN OORDT LEÓN |
| For Ethiopia: | For the Philippine Commonwealth: |
| For France: | For Poland: |
| For Greece: | |
| For Guatemala: | |
| For Haiti:
G. EDOUARD ROY | |
| For Honduras:
E. P. LEFEBVRE | |

⁹This reservation was relinquished by the Netherlands on Sept. 21, 1945.

For Portugal:

For Spain:

For Sweden:

R. KUMLIN

For Switzerland:

For Syria:

For Turkey:

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.

S. KOCAK

F. SAHINBAS

ORHAN H. EROL

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:

The Delegation of Venezuela signs *ad referendum* with the understanding that approval of this document for its Government is subject to the constitutional provisions of the United States of Venezuela [translation].

F J SUCRE

J BLANGO USTÁRIZ

For Yugoslavia:

For Denmark:

HENRIK KAUFFMANN

For Thailand:

M. R. SENI PRAMOJ

[The agreement was signed for Costa Rica on March 10, 1945; for Cuba on April 20, 1945; for El Salvador on May 9, 1945; for Ethiopia on March 22, 1945; for Guatemala on January 30, 1945; for Iceland on April 4, 1945; for Iran on August 13, 1946; for Paraguay on July 27, 1945; and for Syria on July 6, 1945.]