

## AIR SERVICES TRANSIT

*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, 1945*<sup>1</sup>

*Entered into force January 30, 1945;*<sup>2</sup> *for the United States February 8, 1945*

59 Stat. 1693; Executive Agreement Series 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:

- (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.

##### *Section 2*

The exercise of the foregoing privileges shall be in accordance with the provisions of the Interim Agreement on International Civil Aviation<sup>3</sup> and, when

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<sup>1</sup>The United States accepted 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 . . ."

<sup>2</sup>Date of deposit of second instrument of acceptance.

<sup>3</sup>EAS 469, *post*, p. 929.

it comes into force, with the provisions of the Convention on International Civil Aviation,<sup>4</sup> 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 a contracting State.

### *Section 4*

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;

(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*

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*

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

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<sup>4</sup> TIAS 1591, *post*, p. 944.

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 2*<sup>5</sup>

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.

#### 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.

#### ARTICLE V

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

#### 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

<sup>5</sup> For text of U.S. understanding regarding art. II, sec. 2, see footnote 1, p. 916.

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 respective signatures.<sup>6</sup>

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 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.

For Afghanistan:  
A. HOSAYN AZIZ

For Colombia:

For the Government of the Commonwealth of Australia:

For Costa Rica:

For Belgium:

For Cuba:

For Bolivia:  
TCNL. AL. PACHECO

For Czechoslovakia:

For Brazil:

For the Dominican Republic:

For Canada:

For Ecuador:  
J. A. CORREA  
FRANCISCO GOMEZ JURADO

For Chile:  
R. SAÉNZ  
G. BISQUERT  
R. MAGALLANES B

For Egypt:  
M. HASSAN  
M. ROUSHDY  
M. A. KHALIFA

For China:

For El Salvador:

<sup>6</sup> All signatures printed here were affixed on the opening day, Dec. 7, 1944; dates appear opposite signatures affixed thereafter.

- For Ethiopia:
- For France:  
M. HYMANS  
C. LEBEL  
BOURGES  
P. LOCUSSOL
- For Greece:  
DT NOTI BOTZARIS  
A. J. ARGYROPOULOS
- For Guatemala:
- For Haiti:  
G. EDOUARD ROY
- For Honduras:  
E. P. LEFEBVRE
- For Iceland:
- For India:  
G. V. 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:
- For Mexico:  
PEDRO A. CHAPA
- For the Netherlands:  
M. STEENBERGHE  
COPEs  
F. C. ARONSTEIN
- For the Government of New Zealand:  
DANIEL GILES SULLIVAN
- For Nicaragua:  
R. E. FRIZELL
- For Norway:
- For Panama:
- For Paraguay:
- For Peru:  
A. REVOREDO  
J. S. KOECHLIN  
LUIS ALVARADO  
F. ELGUERA  
GLLMO VAN OORDT LEÓN
- For the Philippine Commonwealth:  
J. HERNANDEZ  
URBANO A. ZAFRA  
J. H. FOLEY
- For Poland:  
ZBYSLAW CIOLKOSZ  
DR. H. J. GORECKI  
STEFAN J. KORNORSKI  
WITOLD A. URBANOWICZ  
LUDWIK H. GOTTLIEB
- For Portugal:
- For Spain:  
E. TERRADAS  
GERMÁN BARAIBAR
- For Sweden:  
R. KUMLIN
- For Switzerland:
- For Syria:
- For Turkey:  
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:  
I declare that, failing later notification of inclusion, my signature to this Agreement does not cover Newfoundland.<sup>1</sup>  
SWINTON
- For the United States of America:  
ADOLF A. BERLE JR.  
ALFRED L. BULWINKLE  
CHAS. A. WOLVERTON  
F. LA GUARDIA  
EDWARD WARNER  
L. WELGH POGUE  
WILLIAM A. M. BURDEN

<sup>1</sup> The U.K. reservation excluding Newfoundland was withdrawn by notice dated Feb. 7, 1945.

For Uruguay:

CARL CARBAJAL  
COL. MEDARDO R. FARIAS

For Venezuela:

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

F. J. SUCRE  
J. BLANCO USTÁRIZ

For Yugoslavia:

For Denmark:  
HENRIK KAUFFMANN

For Thailand:

M. R. SENI PRAMOJ

[The agreement was signed for Australia on July 4, 1945; for Belgium on April 9, 1945; for Canada on February 10, 1945; for Costa Rica on March 10, 1945; for Cuba on April 20, 1945; for Czechoslovakia on April 18, 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 Luxembourg on July 9, 1945; for Norway on January 30, 1945; for Paraguay on July 27, 1945; for South Africa on June 4, 1945; for Switzerland on July 6, 1945; and for Syria on July 6, 1945.]