

No. 246

**UNITED STATES OF AMERICA
and
SIAM**

**Agreement (with annex) relating to air services between their
respective territories. Signed at Bangkok, on 26 February
1947**

*English official text communicated by the Acting Representative of the United
States of America at the seat of the United Nations. The registration took
place on 21 June 1948.*

**ETATS-UNIS D'AMERIQUE
et
SIAM**

**Accord (avec annexe) relatif aux services de transports
aériens entre les territoires respectifs des deux pays.
Signé à Bangkok, le 26 février 1947**

*Texte officiel anglais communiqué par le représentant par intérim des Etats-Unis
d'Amérique au siège de l'Organisation des Nations Unies. L'enregistrement
a eu lieu le 21 juin 1948.*

No. 246. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE KINGDOM OF SIAM RELATING TO AIR SERVICES BETWEEN THEIR RESPECTIVE TERRITORIES. SIGNED AT BANGKOK, ON 26 FEBRUARY 1947

The Government of the United States of America and the Government of the Kingdom of Siam,

Having in mind the resolution signed under the date of December 7, 1944², at the International Civil Aviation Conference in Chicago, for the adoption of a standard form of agreement for air routes and services, and the desirability of mutually stimulating and promoting the further development of air transportation between the United States of America and the Kingdom of Siam, the two Governments parties to this arrangement have appointed their representatives, who, duly authorized, have agreed that the establishment and development of air transport services between their respective territories shall be governed by the following provisions:

Article 1

Each contracting party grants to the other contracting party the rights as specified in the Annex hereto necessary for establishing the international civil air routes and services therein described, whether such services be inaugurated immediately or at a later date at the option of the contracting party to whom the rights are granted.

Article 2

Each of the air services so described shall be placed in operation as soon as the contracting party to whom the rights have been granted by Article 1 to designate an airline or airlines for the route concerned has authorized an airline for such route, and the contracting party granting the rights shall, subject to Article 6 hereof, be bound to give the appropriate operating permission to the airline or airlines concerned; provided that the airlines so designated may be

¹ Came into force on 26 February 1947, as from the date of signature, in accordance with article 12.

² *International Civil Aviation Conference, Chicago, Illinois, November 1 to December 7, 1944, Final Act and Related Documents*, United States Department of State publication 2282, Conference Serie 64.

required to qualify before the competent aeronautical authorities of the contracting party granting the rights under the laws and regulations normally applied by these authorities before being permitted to engage in the operations contemplated by this agreement; and provided that in areas of hostilities or of military occupation, or in areas affected thereby, such inauguration shall be subject to the approval of the competent military authorities.

Article 3

In order to prevent discriminatory practices and to assure equality of treatment, both contracting parties agree that:

(a) Each of the contracting parties may impose or permit to be imposed just and reasonable charges for the use of public airports and other facilities under its control. Each of the contracting parties agrees, however, that 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.

(b) Fuel, lubricating oils and spare parts introduced into the territory of one contracting party by the other contracting party or its nationals, and intended solely for use by aircraft of such contracting party shall, with respect to the imposition of customs duties, inspection fees or other national duties or charges by the contracting party whose territory is entered, be accorded the same treatment as that applying to national airlines and to airlines of the most-favored-nation.

(c) The fuel, lubricating oils, spare parts, regular equipment and aircraft stores retained on board civil aircraft of the airlines of one contracting party authorized to operate the routes and services described in the Annex shall, upon arriving in or leaving the territory of the other contracting party, be exempt from customs, inspection fees or similar duties or charges, even though such supplies be used or consumed by such aircraft on flights in that territory.

Article 4

Certificates of airworthiness, certificates of competency and licenses issued or rendered valid by one contracting party shall be recognized as valid by the

other contracting party for the purpose of operating the routes and services described in the Annex. Each contracting party reserves the right, however, to refuse to recognize, for the purpose of flights above its own territory, certificates of competency and licenses granted to its own nationals by another State.

Article 5

(a) The laws and regulations of one contracting party relating to the admission to or departure from its territory of aircraft engaged in international air navigation, or to the operation and navigation of such aircraft while within its territory, shall be applied to the aircraft of the other contracting party, and shall be complied with by such aircraft upon entering or departing from or while within the territory of the first party.

(b) The laws and regulations of one contracting party as to the admission to or departure from its territory of passengers, crew, or cargo of aircraft, such as regulations relating to entry, clearance, immigration, passports, customs, and quarantine shall be complied with by or on behalf of such passengers, crew or cargo of the other contracting party upon entrance into or departure from, or while within the territory of the first party.

Article 6

Each contracting party reserves the right to withhold or revoke the certificate or permit of an airline designed by the other contracting party in the event it is not satisfied that substantial ownership and effective control of such airline are vested in nationals of the other contracting party, or in case of failure by the airline designated by the other contracting party to comply with the laws and regulations of the contracting party over whose territories it operates, as described in Article 5 hereof, or otherwise to fulfill the conditions under which the rights are granted in accordance with this agreement and its annex.

Article 7

This agreement and all contracts connected therewith shall be registered with the Provisional International Civil Aviation Organization, or its successor body.

Article 8

This agreement or any of the rights for air transport services granted there-

under may be terminated by either contracting party upon giving one year's notice to the other contracting party.

Article 9

In the event either of the contracting parties considers it desirable to modify the routes or conditions set forth in the attached Annex, it may request consultation between the competent authorities of both contracting parties, such consultation to begin within a period of sixty days from the date of the request. When these authorities mutually agree on new or revised conditions affecting the Annex, their recommendations on the matter will come into effect after they have been confirmed by an exchange of diplomatic notes.

Article 10

If a general multilateral air transport Convention enters into force in relation to both contracting parties, the present agreement shall be amended so as to conform with the provisions of such Convention.

Article 11

Any dispute between the contracting parties relating to the interpretation or application of this Agreement or its Annex which cannot be settled through consultation shall be referred for an advisory report to the Interim Council of the Provisional International Civil Aviation Organization (in accordance with the provisions of Article III Section 6 (8) of the Interim Agreement on International Civil Aviation signed at Chicago on December 7, 1944) or its successor.

Article 12

This agreement, including the provisions of the Annex thereto, will come into force on the day it is signed.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed the present agreement.

DONE in duplicate at Bangkok this twenty-sixth day of February in the nineteen hundred and forty-seventh year of the Christian Era, corresponding to the two thousand four hundred and ninetieth year of the Buddhist Era, in the English language.

For the Government of the United States of America:
Edwin F. STANTON

[SEAL]

For the Government of the Kingdom of Siam:
T. Thamrong NAWASAWAT

[SEAL]

ANNEX

TO AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE KINGDOM OF SIAM RELATING TO AIR SERVICES BETWEEN THEIR RESPECTIVE TERRITORIES

A. Airlines of the United States, authorized under the present agreement, are accorded rights of transit and non-traffic stop in the territory of Siam, as well as the right to pick up and discharge international traffic in passengers, cargo, and mail at Bangkok, on the following route via intermediate points; in both directions:

1. The United States over a Pacific route to Bangkok and beyond.

B. Airlines of Siam, authorized under the present agreement, are accorded rights of transit and non-traffic stop in the territory of the United States of America, as well as the right to pick up and discharge international traffic in passengers, cargo, and mail at Los Angeles and Honolulu on the following route via intermediate points; in both directions:

1. Siam to Los Angeles over reasonably direct route.

C. In the establishment and operation of air services covered by this Agreement and its Annex, the following principles shall apply:

1. The two contracting parties desire to foster and encourage the widest possible distribution of the benefits of air travel for the general good of mankind at the cheapest rates consistent with sound economic principles; and to stimulate international air travel as a means of promoting friendly understanding and good will among peoples and insuring as well the many indirect benefits of this new form of transportation to the common welfare of both countries.

2. There shall be a fair and equal opportunity for the airlines of the two contracting parties to operate on their respective routes.

3. It is the understanding of both contracting parties that services provided by a designated air carrier under the Agreement and its Annex shall retain as their primary objective the provision of capacity adequate to the traffic demands between the country of which such air carrier is a national and the country of ultimate destination of the traffic. The right to embark and disembark on such services international traffic destined for and coming from third countries at a point or points on the routes specified in the Annex to the Agreement shall be applied in accordance with the general principles of orderly development

to which both contracting parties subscribe and shall be subject to the general principle that capacity should be related:

- (a) to traffic requirements between the country of origin and the countries of destination;
- (b) to the requirements of through airline operation, and
- (c) to the traffic requirements of the area through which the airline passes after taking into consideration local and regional services.

4. The contracting parties should undertake regular and frequent consultation between their respective aeronautical authorities so that there should be close collaboration in observance of the principles and the implementation of the provisions outlined in the Agreement and its Annex and in case of dispute the matter shall be settled in accordance with the provisions of Article 11 of the Agreement.