

No. 252

**AFGHANISTAN, ARGENTINA, AUSTRALIA,
BELGIUM, BOLIVIA, etc.**

**International Air Services Transit Agreement. Opened for
signature at Chicago, on 7 December 1944**

Official text: English.

Filed and recorded at the request of the United States of America on 30 March 1951.

**AFGHANISTAN, ARGENTINE, AUSTRALIE,
BELGIQUE, BOLIVIE, etc.**

**Accord relatif au transit des services aériens internatio-
naux. Ouvert à la signature à Chicago, le 7 décembre
1944**

Texte officiel anglais.

*Classé et inscrit au répertoire à la demande des États-Unis d'Amérique le 30 mars
1951.*

No. 252. INTERNATIONAL AIR SERVICES TRANSIT AGREEMENT¹. OPENED FOR SIGNATURE AT CHICAGO, ON 7 DECEMBER 1944

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 I

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.

¹ In accordance with article VI, the Agreement came into force as between the Netherlands and Norway on 30 January 1945, the date on which the Government of the United States of America received the second notification of acceptance thereof, the first such notification having been received from the Netherlands on 12 January 1945. For each State having subsequently notified its acceptance the Agreement came into force on the date of receipt of such notification.

The list of States parties to the Agreement is as follows :

Afghanistan	17 May 1945	Liberia	19 March 1945
Argentina	4 June 1946	Luxembourg	28 April 1948
Australia	28 August 1945	Mexico	25 June 1946
Belgium	19 July 1945	Netherlands	30 January 1945
Bolivia	4 April 1947	New Zealand	19 April 1945
Canada	10 February 1945	Nicaragua	28 December 1945
Cuba	20 June 1947	Norway	30 January 1945
Czechoslovakia	18 April 1945	Pakistan*	15 August 1947
Denmark	1 December 1948	Paraguay	27 July 1945
Egypt	13 March 1947	Philippines	22 March 1946
El Salvador	1 June 1945	Poland	6 April 1945
Ethiopia	22 March 1945	Spain	30 July 1945
France	24 June 1948	Sweden	19 November 1945
Greece	21 September 1945	Switzerland	6 July 1945
Guatemala	28 April 1947	Thailand	6 March 1947
Honduras	13 November 1945	Turkey	6 June 1945
Iceland	21 March 1947	Union of South Africa	30 November 1945
India	2 May 1945	United Kingdom	31 May 1945
Iran	19 April 1950	United States	8 February 1945
Iraq	15 June 1945	Venezuela	28 March 1946
Jordan	18 March 1947		

* In a notification given to the Government of the United States of America by Pakistan on 24 March 1948 it is advised that: "...by virtue of the provisions in Clause 4 of the Schedule of the Indian Independence (International Arrangements) Order, 1947, the International Air Services Transit Agreement signed by United India continues to be binding after the partition on the Dominion of Pakistan."

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 Agreement¹ on International Civil Aviation and, when it comes into force, with the provisions of the Convention² on International Civil Aviation, 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

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

² United Nations, *Treaty Series*, Vol. 15, p. 295; Vol. 26, p. 420; Vol. 32, p. 402; Vol. 33, p. 352; Vol. 44, p. 346 and Vol. 51, p. 336.

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 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

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 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.

DONE at Chicago the seventh day of December, 1944, in the English language. A text drawn up in the English, French, and Spanish languages,¹ 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 the Government of the Commonwealth of Australia :

F. W. EGGLESTON

July 4, 1945

¹ The Agreement was signed in the English original version formulated at the International Civil Aviation Conference which took place at Chicago from 1 November to 7 December 1944. No trilingual text, as provided for in the Agreement, has been opened for signature.

The Government of the United States of America, in the note of the State Department of 22 September 1947 addressed to the Chiefs of Mission of the Governments concerned, after having drawn their attention to the various problems involved in this respect and to the fact that the Agreement, as well as all other documents drawn up at the Chicago Conference, did not place a specific responsibility upon the United States Government, as depository of the documents, to prepare the trilingual text, concluded: "The Department of State considers that it is not advisable to proceed at this time with preparations to open for signature at Washington trilingual texts of those documents. On the contrary, the United States Government proposes to present the question to the Council of the International Civil Aviation Organization with a request that the question be placed on the agenda for the next meeting of the Assembly of that Organization. It is believed that this procedure will afford the most efficacious means by which the Governments concerned may, after due consideration of all the factors and problems involved, make such decisions with respect thereto as they deem appropriate."

The following further information was furnished by the Permanent Representative of the United States of America to the United Nations in his note transmitting the Agreement for filing and recording :

"In this connection it may also be pointed out that the problem relating to French and Spanish texts of the Convention on International Civil Aviation, one of the other Chicago documents referred to in the above-mentioned circular note, was included on the agenda of the Third Assembly of the International Civil Aviation Organization held at Montreal in June 1949. Pursuant to a resolution (A3-2) adopted by the Assembly at that time, the Council of ICAO undertook to provide texts of the 1944 Convention in French and Spanish to be used only for the internal purposes of this Organization. It is the understanding of the Department of State, however, that no steps to provide similar translations of the text of the 1944 Air Services Transit Agreement have been taken."

For Belgium :

Vicomte du PARC
April 29th, 1945

For Bolivia :

Tcnl. AL. PACHECO

For Brazil :

For Canada :

L. B. PEARSON
Feb. 10, 1945

For Chile :

R. SAÉNZ
G. BISQUERT
R. MAGALLANES B.

For China :

For Colombia :

For Costa Rica :

F. de P. GUTIÉRREZ
March 10th, 1945

For Cuba :

Gmo. BELT
Abril 20, 1945

For Czechoslovakia :

V. S. HURBAN
April 18, 1945

For the Dominican Republic :

For Ecuador :

J. A. CORREA
Francisco GOMEZ JURADO

For Egypt :

M. HASSAN
M. ROUSHDY
M. A. KHALIFA

For El Salvador :

Felipe VEGA-GÓMEZ
May 9, 1945

For Ethiopia :

Ephrem T. MEDHEN
March 22, 1945

For France :

M. HYMANS
C. LEBEL
BOURGES
P. LOCUSSOL

For Greece :

D. T. NOTI BOTZARIS
A. J. ARGYROPOULOS

For Guatemala :

Osc. MORALES L.
Jan. 30, 1945

For Haiti :

G. Edouard ROY

For Honduras :

E. P. LEFEBVRE

For Iceland :

Thor THORS
April 4, 1945

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 :

Hugues LE GALLAIS
July 9th, 1945

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 :

W. Munthe MORGENSTIERNE

January 30, 1945

For Panama :

For Paraguay :

Celso R. VELÁZQUEZ

July 27, 1945

For Peru :

A. REVOREDO

J. S. KOECHLIN

Luis ALVARADO

F. ELGUERA

Gilmo. 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. KONORSKI

Witold A. URBANOWICZ

Ludwik H. GOTTLIEB

For Portugal :

For Spain :

E. TERRADAS

Germán BARAIBAR

For Sweden :

R. KUMLIN

For Switzerland :

Charles BRUGGMANN

July 6th, 1945

For Syria :

N. KAHALE

July 6, 1945

For Turkey :

S. KOCAK

F. SAHINBAS

Orhan H. EROL

For the Union of South Africa :

D. D. FORSYTH

4th June 1945

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.¹

SWINTON

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

¹ The reservation with respect to Newfoundland was withdrawn on 7 February 1945 by a notification given to the Government of the United States of America by the Government of the United Kingdom of Great Britain and Northern Ireland.