

No. 9999

**UNITED STATES OF AMERICA
and
INDONESIA**

**Air Transport Agreement (with schedule). Signed at Djakarta on
15 January 1968**

Authentic text: English.

Registered by the United States of America on 1 November 1969.

**ÉTATS-UNIS D'AMÉRIQUE
et
INDONÉSIE**

**Accord relatif aux transports aériens (avec tableau). Signé à
Djakarta le 15 janvier 1968**

Texte authentique: anglais.

Enregistré par les Etats-Unis d'Amérique le 1^{er} novembre 1969.

AIR TRANSPORT AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF INDONESIA

The Government of the United States of America and the Government of the Republic of Indonesia,

Recognizing the increasing importance of international air travel between the two countries and desiring to conclude an Agreement which will assure its continued development in the common welfare, and

Being parties to the Convention on International Civil Aviation opened for signature at Chicago on the seventh day of December 1944,²

Have accordingly appointed duly authorized representatives for this purpose, who have agreed as follows:

Article 1

For the purposes of this Agreement:

A. "Aeronautical authorities" shall mean, in the case of the Republic of Indonesia, the Minister for Communications or any person or agency authorized to perform the functions exercised at the present time by the Minister for Communications; and in the case of the United States of America the Civil Aeronautics Board or any person or entity authorized to perform the functions exercised at present by the Civil Aeronautics Board.

B. "Designated airline" shall mean an airline that one Contracting Party has notified the other Contracting Party to be an airline which will operate a specific route or routes listed in the Route Schedule of this Agreement. Such notification shall be communicated in writing, through diplomatic channels.

C. "Territory", in relation to a State, shall mean the land areas under the sovereignty, protection, administration or trusteeship of that State, and territorial waters adjacent thereto.

¹ Came into force on 15 January 1968 by signature, in accordance with article 15.

² United Nations, *Treaty Series*, vol. 15, p. 295; for the texts of the Protocols amending this Convention, see vol. 320, pp. 209 and 217; vol. 418, p. 161, and vol. 514, p. 209.

D. "Air service" shall mean any scheduled air service performed by aircraft for the public transport of passengers, mail or cargo.

E. "International air service" shall mean an air service which passes through the air space over the territory of more than one State.

F. "Stop for non-traffic purposes" shall mean a landing for any purpose other than taking on or discharging passengers, cargo, or mail.

G. "Agreement" shall mean this Agreement and the annexed Route Schedule, and any amendments thereto.

Article 2

A. Each Contracting Party grants to the other Contracting Party rights for the conduct of air services by the designated airline or airlines as follows:

- (i) To fly without landing across the territory of the other Contracting Party;
- (ii) To take stops in the said territory for non-traffic purposes; and
- (iii) To take on and discharge international traffic in passengers, cargo, and mail, separately or in combination, at the points in its territory named on each of the routes specified in the appropriate paragraph of the Route Schedule of this Agreement.

B. Nothing in paragraph A of this Article shall be deemed to confer on the airline of one Contracting Party the privilege of taking up, in the territory of the other Contracting Party, passengers, cargo, or mail carried with or without remuneration or hire and destined for another point in the territory of the other Contracting Party. However, an airline designated by one Contracting Party to provide service over a route containing more than one point in the territory of the other Contracting Party may provide a stopover at any of such points to traffic moving on a ticket or waybill providing for transportation on the same airline on a through journey to or from a point outside the territory of such other Contracting Party.

C. Notwithstanding the provisions of paragraph A of this Article, the operation of agreed services in areas of hostilities or military occupation, or in areas affected thereby, shall, in accordance with Article 9 of the Convention on International Civil Aviation be subject to the approval of the competent military authorities.

Article 3

A. Air service on a route specified in the route schedule of this Agreement may be inaugurated by an airline or airlines of one Contracting Party at any time after that Contracting Party has designated such airline or airlines for that route and the other Contracting Party has granted any operating permission that may be necessary. Such other Contracting Party shall, subject to the following paragraphs, grant this permission with a minimum of procedural delay provided that the designated airline or airlines may be required to qualify before the competent aeronautical authorities of that Contracting Party, under the laws and regulations normally applied by those authorities, before being permitted to engage in the operations contemplated by this Agreement.

B. Each Contracting Party reserves the right to withhold or revoke the operating permission referred to in paragraph A of this Article with respect to an airline designated by the other Contracting Party, or to impose conditions on such permission, in the event that:

- (1) such airline fails to qualify under the laws and regulations normally applied by the aeronautical authorities of that Contracting Party;
- (2) such airline fails to qualify under the laws and regulations referred to in Article 4 of this Agreement; or
- (3) that Contracting Party is not satisfied that substantial ownership and effective control of such airline are vested in nationals of the other Contracting Party.

C. Unless immediate action is essential to prevent infringement of the laws and regulations referred to in Article 4 of this Agreement, the right to revoke such permission shall be exercised only after consultation with the other Contracting Party.

Article 4

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 airline or airlines designated by the other Contracting Party and shall be complied with by such aircraft upon entering or departing from, and while within the territory of the first Contracting Party.

B. The laws and regulations of one Contracting Party relating to the admission to or departure from its territory of passengers, crew or cargo of aircraft, including 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 airline or airlines of the other Contracting Party upon entrance into or departure from, and while within, the territory of the first Contracting Party.

Article 5

Certificates of airworthiness, certificates of competency and licenses issued or rendered valid by one Contracting Party, and still in force, shall be recognized as valid by the other Contracting Party for the purpose of operating the routes and services provided for in this Agreement, provided that the requirements under which such certificates or licenses were issued or rendered valid are equal to or above the minimum standards which may be established pursuant to the Convention on International Civil Aviation. Each Contracting Party reserves the right, however, to refuse to recognize, for the purpose of flight above its own territory, certificates of competency and licenses granted to its own nationals by the other Contracting Party.

Article 6

Each Contracting Party may impose or permit to be imposed just and reasonable charges for the use of public airports and other facilities under its control, provided that such charges shall not be higher than the charges imposed for use by its national aircraft engaged in similar international services.

Article 7

A. Each Contracting Party shall exempt the designated airlines of the other Contracting Party to the fullest extent possible under its national law