

No. 252

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**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.*

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**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 AGREEMENT<sup>1</sup>. 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.

<sup>1</sup> 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 Agreement<sup>1</sup> on International Civil Aviation and, when it comes into force, with the provisions of the Convention<sup>2</sup> 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

<sup>1</sup> 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.

<sup>2</sup> 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