

1945  
NEW ZEALAND

# INTERNATIONAL CIVIL AVIATION CONFERENCE

CHICAGO, UNITED STATES OF AMERICA, 1ST NOVEMBER TO 7TH DECEMBER, 1944

*Presented to both Houses of the General Assembly by Leave*

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## REPORT BY NEW ZEALAND DELEGATION

### INTRODUCTION

THE following delegation was appointed by the New Zealand Government to represent them at the Conference :—

Hon. D. G. Sullivan (Chairman) :  
Air Commodore A. de T. Nevill, Vice Chief of Air Staff :  
Mr. Foss Shanahan, Department of External Affairs :  
Mr. J. M. Buckeridge, Acting Controller of Civil Aviation.

The invitation to attend this Conference was extended to the New Zealand Government by the Government of the United States of America, through the United States Minister at Wellington, in a note dated 14th September, 1944.

2. This Conference was preceded by a number of informal exchanges between representatives of the United Kingdom, the United States, and other Governments primarily interested in civil aviation, while the general subject of the operation of international air transport services had been discussed between representatives of British Commonwealth Governments at a meeting held in London in October, 1943.

### NEW ZEALAND POLICY ON CIVIL AVIATION

3. The meeting held at Canberra in January, 1944, afforded opportunity for discussion between representatives of the Australian and New Zealand Governments on the method of operation of air transport. In the Agreement which resulted—known as the “ Canberra Agreement ”—it is stated that the two Governments support the principles of full control of the international air-trunk routes and the ownership of all aircraft and ancillary equipment employed or situated on these routes. The two Governments further agreed that the traffic routes should themselves be specified in any International Agreement made on the subject of air transport. The detailed application of the principles agreed between the two Governments was discussed at a meeting held in Wellington on the 10th and 11th October, 1944, between the representatives of our two Governments who attended the International Conference in Chicago. This meeting was of valuable assistance to the members of the Australian and New Zealand delegations who attended the international meeting.

4. The agenda for the Conference did not provide for detailed consideration of the principle of international ownership and operation of services linking the countries of the world. The first opportunity was taken, however, by both the Australian and New Zealand delegations to assert the views held by their two Governments on this subject, and a detailed exposition of the proposal and the reasons in support of it were advanced during the course of the initial Plenary Sessions. It was made plain that, as the aircraft is one of the most dynamic influences in the lives of men to-day, it must be so used as to enhance the security and advance the economic and social well-being of all peoples. Its evident influence in the course of this war has proved that if its use is not properly controlled it can become a potent instrument of aggression and a menace to the well-being of the world. Moreover, the unregulated use of air transport in the services between the countries of the world can lead to the creation of conflicts and differences between competing interests. Rivalry such as this can lead to breaches between nations.

5. The New Zealand delegation expressed the view that difficulties of this kind could be avoided if the air services on international trunk routes were owned and operated by an international agency. There need be no difficulty in giving practical effect to this proposal. Every nation would be given opportunity to participate in the operation of these services through a contribution in material and operating personnel and on the basis of some principle such as traffic embarked in its territory.

6. The case presented by Australia and New Zealand was given a full and attentive hearing by the Conference, and the following resolution, moved by the leader of the New Zealand delegation and seconded by the leader of the Australian delegation, was considered by Committee I of the Conference at a meeting held on 8th November :—

“ *Resolved*, that we, the nations and authorities represented at this International Civil Aviation Conference, being determined that the fullest measure of co-operation should be secured in the development of air transport services between the nations of the world, believing that the unregulated development of air transport can only lead to misunderstanding and rivalries between nations, being convinced that air transport can and should be utilized as a powerful instrument in the cause of international security and in the attainment of ‘Freedom from Fear’ as embodied in the Atlantic Charter, believing that the interests of all nations, both large and small, can best be advanced by the joint utilization of the material, technical, and operational resources of all countries for the development of air transport, believing that the creation of an effective economic and non-discriminatory instrument responsible for the ownership and operation of air transport services between nations of the world is in the best interests of orderly world progress,

Agree that these objectives can best be achieved by the establishment of an international air transport authority which would be responsible for the operation of air services on prescribed international trunk routes and which would own the aircraft and ancillary equipment employed on these routes ; it being understood that each nation would retain the right to conduct all air transport services within its own national jurisdiction, including its own contiguous territories, subject only to agreed international requirements regarding landing and transit rights, safety facilities, &c., to which end it is desirable that this Committee of the Conference should consider the organization and machinery necessary for the implementation of this resolution.”

7. After some discussion an amendment in the following terms, moved by the delegate of Brazil, was put to the meeting :—

“ In accordance with the declaration made at the first Plenary Session, while Brazil appreciates the purpose of the proposals made by the delegations of New Zealand and Australia, for the creation of an international company to operate all international routes, and shares the determination of those delegations that civil air transport should be a source of benefit and security to the world, Brazil is not in a position to accept such a proposal, and therefore suggests that this Committee declare that there is no opportunity and necessary unanimity for the organization, at the present time, of an all-embracing international company.”

The amendment was carried, and the proposal advanced by the New Zealand and Australian delegations therefore lapsed.

8. Warm support was given by the delegates of France and Afghanistan to the resolution tabled by the New Zealand and Australian delegations. The delegate of France took the opportunity of reminding the Conference that a proposal of similar general effect, but related more particularly to the question of disarmament, had been presented to the League of Nations by the Government of France in 1932. From the informal comments made to members of both the New Zealand and Australian delegations following the Session of the Conference at which the motion had been discussed, it was evident that there were many delegates who gave general support to the proposal that had been advanced by the Australian and New Zealand delegations.

#### INTERNATIONAL AIR NAVIGATION

9. The general work of the Chicago Conference was divided into two broad fields—first, consideration of the principles of air navigation ; second, the principles of air transport.

10. In the field of air navigation a great deal of useful work was accomplished. The credit for much that has been done on this subject must go to the founders of the original Paris Convention of 1919. The experience of their work, and that done prior to the Conference by United Kingdom and United States experts, contributed largely to success in this field. Among all the delegations there was full agreement on the need for establishing definite and clear rules of air navigation and the necessity for the universal acceptance of such rules.

11. The conclusions of the Conference on the practices to be adopted in the different fields of air navigation are contained in several draft Technical Annexes. These cover a variety of subjects, such as airway systems, navigation procedures, rules of the air, air traffic control, standards for licensing operating and mechanical personnel, log-book requirements, airworthiness, aircraft registration and identification marks, Customs procedures and manifests, search and rescue, and investigation of accidents. In the time available at the Conference it was not possible to complete these Technical Annexes in every detail. They will be the subject of continuing study by the Air Navigation Commission of the Provisional International Civil Aviation Organization, and member Governments are to submit to the Commission any further comments they may wish to make.

#### INTERNATIONAL AIR TRANSPORT

12. It was the hope of all the delegations when they met that some agreement would be reached on the transport or commercial side of aviation which would permit of the operation of air transport services between one country and another on the basis of a general international agreement. It was found that this hope was not capable of being realized at this time. The United States authorities took the line that there should be a minimum of control over the development and operation of civil air transport services, at least initially, since it was asserted that there was so little experience to guide the nations of the world in devising any body of rules now which could be expected to adequately meet the circumstances which would arise when air transport was fully established. The United States Delegation therefore proposed that there should be an interim period during which civil air transport would operate on an unrestricted basis and that the situation should in the meantime be studied by a body to be known as the “Interim Council,” and which would represent the nations of the world particularly interested in air transport.

13. There was the opposing view, propounded by the United Kingdom Government that it was possible at this juncture to devise certain rules governing air transport between the nations of the world, that these should be elaborated now and put into effect immediately they had secured general acceptance. The United Kingdom plan provided for the grant of four freedoms, or privileges, between all nations of the world. These were :—

- (i) The privilege to fly across the territory of another country ;
- (ii) The privilege to land for non-traffic purposes ;
- (iii) The privilege to set down passengers, mails, and freight embarked in the country of origin of the aircraft ;
- (iv) The privilege to take on passengers, mails, and freight for the country of origin of the aircraft.

The concession of these freedoms was to be subject to the adoption of some rules regulating the total aircraft capacity that would be operated on any route, allocation of this capacity between States interested in operations on this route, control of rates and subsidies. Finally, there should be an international authority with power to see that the rules are observed and machinery for the arbitration of any differences that might arise. The United Kingdom plan also contemplated that an organization of contracting States would be established and that this would keep the position under constant review and propose such changes or alterations in the plan as appeared necessary in the light of experience.

14. The Canadian delegation submitted a detailed plan to the Conference. In general this was not greatly dissimilar from that outlined by the United Kingdom Government except that it did not contain any detailed proposals with respect to the allocation of capacity and frequencies. This Canadian plan was used as a basis for the discussions on the air transport provisions, and much credit must be given to the Canadians for the valuable work that they did not only in this document, but in the discussions at the Conference.

15. The view of the United Kingdom delegation carried the full support of the New Zealand delegation when it was found that the Australian and New Zealand proposal for international ownership and operation of services on international trunk routes did not command the general acceptance of the Conference.

16. Shortly after the views of the main delegations had been submitted to the Conference, the United States delegation suggested, and this was accepted, that discussions should proceed on the basis of a general grant of all five freedoms. Reference is made above to the four freedoms, or privileges. The fifth freedom is the privilege to take on in other States passengers, mails, and freight destined for the territory of other States, and the privilege to set down at any point passengers, mails, and freight coming from other States. There was no disagreement about the need of these privileges or freedoms for the economic operation of international air transport service, but there was real difference of opinion as to the measure and nature of control which should be established in their application. It was agreed that there should be an international authority. Instead of giving decisions itself, however, this would make recommendations to member countries. This was arranged, in order to meet the constitutional position of certain States. It was agreed that in determining the aircraft capacity to be operated by any State the formula suggested by the United Kingdom authorities for taking account of traffic embarked in that State was a reasonable one. It was agreed also that there should be some provision governing rates and subsidies and some machinery to determine disputes as, and when, these arose.

17. But the real conflict resulted on the question of increase or escalation in aircraft capacity on a route, and on which so much was said in the press at the time. It was suggested, and this was generally accepted, that aircraft capacity should be operated generally at a load factor of 60 per cent., and that when over a period this increased to 65 per cent. or more that there should be an increase in capacity. Conversely, that there should be a decrease when this increase was not maintained. There was no dissent as to this in respect of the increase in capacity to meet the needs of traffic from the country of origin of the aircraft, nor generally as to the method by which this increase would be effected. But there was disagreement as to whether any increase in capacity should be granted to meet the requirements of traffic between intermediate points on a route and the way in which this increase, if agreed, might be allowed. The United Kingdom delegation held the view that this traffic was properly the right of services operating from and between the intermediate countries, was incidental to through air-line operation, and that there should be no increase in capacity to meet it. Later it was agreed that it should be taken into account in deciding any increase in capacity on a through air line, but that it should be subject to the discretion of the Council, to which reference is made later. This was not accepted by the United States delegation, and it therefore resulted that no general agreement was reached at the Conference on the operation of international air transport services.

18. It should be mentioned that all of the proposals under discussion provided for the operation by each nation of at least one air transport service per week to any country. Though the operation of such services would in practice depend largely on economic considerations, this was regarded as the inalienable right of every country.

19. During the course of the discussion reference was made to the position of those members of the United Nations who were not, because of the contribution that they had made to the cause of the United Nations, able immediately to initiate air services. It was agreed in principle that some concession should be made to meet the circumstances of these countries. In the meantime other countries would be operating services on routes in which these members of the United Nations were interested. The proposal was, but it was never worked out in detail, that these countries should be given a period of grace, during which their capacity could be operated by some other country. At the end of that period, however, those countries operating the capacity of others would reduce to the capacity originally granted to them. This proposal would have included provision in favour of New Zealand and other countries in the Pacific at war with Japan.

#### INTERNATIONAL CIVIL AVIATION ORGANIZATION

20. There was general agreement among the nations represented at the Conference that some international air organization should be set up. It was the object of the New Zealand delegation to obtain within the framework of this organization an international authority which would be charged with full power both with respect to the economic as well as the technical aspects of civil aviation. The final agreement did not secure this, but it went some distance. An outline of the organization, functions, and scope of the International Air Organization generally agreed is given in the following paragraphs.

21. The Convention on International Civil Aviation covers the general field of air navigation and deals also with certain matters of principle affecting air transport. The permanent international aviation agency will be known as "The International Civil Aviation Organization." The aims and objectives of this organization, which consists of an Assembly, a Council, and such other bodies as may be necessary, are to develop the principles and techniques of international air navigation and to foster the planning and development of international air transport. In particular, it is to—

- (a) Ensure the safe and orderly growth of international civil aviation throughout the world ;
- (b) Encourage the arts of aircraft design and operation for peaceful purposes ;
- (c) Encourage the development of airways, airports, and air navigation facilities for international civil aviation ;
- (d) Meet the needs of the peoples of the world for safe, regular, efficient, and economical air transport ;
- (e) Prevent economic waste caused by unreasonable competition ;
- (f) Ensure that the rights of contracting States are fully respected and that every contracting State has a fair opportunity to operate international airlines ;
- (g) Avoid discrimination between contracting States ;
- (h) Promote safety of flight in international air navigation ;
- (i) Promote generally the development of all aspects of international civil aeronautics.

22. All member States will be represented on the Assembly, which will meet annually. Decisions are to be taken by a majority of the votes cast, while a majority of the contracting States is required to constitute a quorum for meetings. The Assembly will elect the States to be represented on the Council, will consider reports received from, and remit questions for consideration by, the Council, and will control the finances of the Organization and deal with amendments to the Convention.

23. The Council, which is to be chosen every three years, will consist of representatives of twenty-one States elected by the Assembly. In the election of members of the Council adequate representation is to be given by the Assembly of the Organization to—

- (1) States of chief importance in air transport ;
- (2) States not otherwise included which make the largest contribution to the provision of facilities for international civil air navigation ;
- (3) States not otherwise included whose designation will ensure that all the major geographical areas of the world are represented on the Council.

No representative of a contracting State on the Council may be actively associated with the operation of or financially interested in any international air service.

24. Decisions of the Council will be taken by a majority of those voting, and an appeal may be made by any interested member State to the Council against a decision of any committee established by the Council. Provision is made whereby any member State may take part, without a vote, in the consideration by the Council and by its committees and commissions of any question which specially affects its interests.

25. The Council will collect, examine, and publish information relating to the advancement of air navigation and the operation of international air services. It will report any infraction of the Convention, or failure to carry out recommendations, to contracting States. It will consider any matter relating to the Convention which may be referred to it by a member State. It may conduct research on aspects of air navigation which are of international importance, and study matters affecting the organization and operation of international air transport, including the international ownership and operation of international air services and trunk routes. It may report, at the request of any member State, on any situation impeding the development of international air navigation.

26. The Council will appoint and define the duties of an Air Transport Committee which shall be chosen from among its own members and which will consider questions affecting the operation of international air transport. An Air Navigation Commission will also be appointed. This will consist of twelve members chosen from among persons nominated by member States. It will deal with technical matters and make recommendations from time to time for amendment or addition to the technical annexes of the Convention.

#### INTERIM ORGANIZATION

27. Some time will necessarily elapse before the permanent Convention is ratified by a sufficient number of States and can become effective. There is much valuable work that can be done in the meantime, and it would be fatal to allow this period to pass without advancing the general plans for air navigation and air transport. It was therefore agreed at the Conference to form a provisional Civil International Organization. This has the same general form and character as the permanent Organization, with an interim Assembly and an interim Council.

28. The Interim Organization will remain in being until the permanent Convention comes into force or another Conference on International Civil Aviation shall have agreed upon other arrangements. The interim period shall in no event, however, exceed three years from the coming into force of the provisional Organization.

29. Provision is made whereby the interim Organization, the seat of which is in Canada, will come into operation when the interim Convention has been accepted by twenty-six States. The agreement establishing this Provisional International Civil Aviation Organization was signed by the New Zealand delegate, and has since been accepted by the New Zealand Government. Among other duties, the Interim Council is charged with the further study and investigation of the proposal advanced by the Australian and New Zealand delegations for the international ownership and operation of air transport services.

#### "FREEDOMS" AGREEMENTS

30. While there was no general agreement at the Conference regarding the operation of international air transport services, it was recognized that there were many States who were prepared to grant between themselves the privilege for aircraft to fly over their territories or to land for non-traffic purposes. In order to meet this situation a special Agreement, known as "The International Air Services Transit Agreement," was drawn up and submitted for signature at the Conference. As it is the wish of the New Zealand Government to avoid any obstacle to the development of air navigation, this agreement was signed by the New Zealand delegate, and has since been accepted by the New Zealand Government.

31. Under another Agreement made at the Conference provision is made for the grant of the five privileges, or freedoms. This was signed by a few States, but not by the New Zealand delegate, since it did not provide those conditions with respect to the exercise of these privileges or freedoms which the New Zealand Government desired. This Agreement is known as "The International Air Transport Agreement."

32. Under both the "two" and "five" freedom Agreements, referred to in the preceding paragraphs, provision is included whereby any disputes that arise will be dealt with in accordance with the provisions of the main Convention establishing the International Civil Aviation Organization. There is assurance, therefore, of reasonable uniformity in the development of practices affecting air navigation and transport.

#### STANDARD CLAUSES

33. It was proposed at the Conference that certain standard clauses should appear in all Agreements made by member States in regard to the operation of air transport services. Since no general agreement was reached regarding the operation of international air transport services, the conditions governing the operation of such services must, in the meantime, be regulated by special Agreement. The standard clauses agreed at the Conference include specific provision against discrimination in the operation of air services. They deal with technical matters; the imposition of just and reasonable charges for the use of airports and other facilities. Charges must not be higher than are imposed on national aircraft engaged in similar international air services.

#### SUMMARY

34. Although many hopes were disappointed, much good was achieved at the Civil Aviation Conference at Chicago. Progress was made in the determination of principles which should govern air navigation. These apply to all classes of aircraft, whether commercial or not. This review was timely and necessary, and has resulted in the formulation of a body of rules which, it is felt, will command the acceptance of all nations, and particularly those of chief importance in air transport.

35. The principal disappointment of the Chicago Conference was the failure to secure complete agreement on the principles governing the development of air transport. There was general acceptance of some principles, and the importance of these should not be underestimated. There was full consideration of the other principles, and while they did not command general acceptance, examination of them did ensure to the members of the delegations and to the nations they represented a full understanding of what is involved. We are sanguine enough to believe, since it is the object of all peoples of the world to ensure that air transport ministers to the general well-being and advancement of men, that fundamental agreement will be reached, and sooner rather than later. Continuing study of the problem by the Interim International Civil Aviation Organization will be a valuable means of advancing this result, and it is our earnest hope that, as soon as war conditions permit we shall see air transport linking the nations of the world in a fruitful and friendly way.

#### BRITISH COMMONWEALTH MEETINGS

36. Reference should be made to the discussions between representatives of British Commonwealth countries which preceded and followed the International Conference at Chicago. The first Commonwealth meeting was on an official level and was held in Montreal at the end of October. It was clear following the Chicago Conference that it would be useful if a further meeting of Commonwealth delegates was held, and the invitation extended by the Canadian Government for a meeting in Montreal was accepted. This second Montreal meeting afforded a valuable opportunity to members of Commonwealth delegations for discussions on matters of particular interest to the British Commonwealth in the light of developments at Chicago. A further Commonwealth meeting was held in London towards the end of December to conclude discussions on certain questions which could not be finally settled at the Montreal meetings.

37. Full consideration was given at these meetings to the question of routes linking Commonwealth countries. Of particular interest to New Zealand are the routes from the United Kingdom via the Middle East, India and Australia to New Zealand, and to North America and the United Kingdom across the Pacific. The service from the United Kingdom via India will be operated initially with Lancastrian aircraft, and with more suitable transport types immediately these become available. For the present this service will terminate in Australia, but later it is hoped that it will come through to New Zealand. Some further planning will be needed in connection with the British air service across the Pacific, but it is hoped that this will be established in a measurable period of time.

38. One of the most important decisions taken at the Montreal and London meetings, and subsequently approved by all the Governments, was that a Commonwealth Air Transport Council should be formed. This will include representation from the United Kingdom, the Dominions, India, Southern Rhodesia, Newfoundland, and the colonial Empire. It is a consultative body on all matters of mutual concern to Commonwealth countries on civil aviation. It will keep under review the progress and development of civil air communications; it will serve as a medium for the exchange of views and information; and will consider and give advice on such civil aviation matters as may be referred by any Commonwealth Government. The Secretariat of the Council will be provided by the Civil Aviation Department in the United Kingdom, but it is proposed that officers of the appropriate Departments in other Commonwealth countries will be attached to and function as members of the Secretariat.

39. All of these British Commonwealth meetings were most valuable. They afforded useful opportunities for discussion on the many aviation questions of special concern to Commonwealth countries. The value of these meetings and association will not be lost. It will be preserved in the Commonwealth Air Transport Council, which will meet at regular and frequent intervals, and, by continuing study of the problems, advance the interests and development of British Commonwealth aviation.

D. G. SULLIVAN, Chairman of the Delegation.

**ANNEX TO THE REPORT OF THE NEW ZEALAND DELEGATION**  
INTERNATIONAL CIVIL AVIATION CONFERENCE, CHICAGO, 7TH DECEMBER, 1944  
FINAL ACT AND APPENDICES I-IV\*

**INTERNATIONAL CIVIL AVIATION CONFERENCE**  
FINAL ACT

THE Governments of Afghanistan, Australia, Belgium, Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, Honduras, Iceland, India, Iran, Iraq, Ireland, Lebanon, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Philippine Commonwealth, Poland, Portugal, Spain, Sweden, Switzerland, Syria, Turkey, Union of South Africa, United Kingdom, United States of America, Uruguay, Venezuela, and Yugoslavia ;

Having accepted the invitation extended to them by the Government of the United States of America to be represented at an International Civil Aviation Conference ;

Appointed their respective delegates, who are listed below by countries in the order of alphabetical precedence :—

*Afghanistan—*

Abdol Hosayn Aziz, Minister to the United States (*Chairman of the Delegation*).  
Said Tadjeddin, First Secretary, Afghan Legation, Washington.  
Sher Mohamed Quraishi.

*Australia—*

Arthur S. Drakeford, Minister for Air and Minister for Civil Aviation (*Chairman of the Delegation*).  
Daniel McVey, Director-General of Civil Aviation.  
Lieutenant-Colonel W. R. Hodgson, Secretary, Department of External Affairs.  
Captain E. C. Johnston, Assistant Director-General of Civil Aviation.

*Belgium—*

Viscount Alain du Parc, Minister Plenipotentiary, Belgian Embassy, New York (*Chairman of the Delegation*).  
Joseph Jemmen, Commercial Counselor for Supply, Belgian Embassy, Washington.  
Joseph Nisot, Legal Adviser, Belgian Embassy, New York.  
Emil Allard, Professor, University of Brussels and Liège.  
Major Jean Verhaegen, Belgian Air Force.

*Bolivia—*

Lieutenant-Colonel Alfredo Pacheco, Military and Air Attaché, Bolivian Embassy, Washington (*Chairman of the Delegation*).  
Federico A. Rocha, President, Lloyd Aero Boliviano.

*Brazil—*

Hahnemann Guimarães, Solicitor-General (*Chairman of the Delegation*).  
Alberto de Mello Flores, Director of Construction, Ministry of Aeronautics.  
Lieutenant-Colonel Clovis M. Travassos, Air Attaché, Brazilian Embassy, Washington.

*Canada—*

C. D. Howe, Minister of Reconstruction (*Chairman of the Delegation*).  
H. J. Symington, President, Trans-Canada Air Lines.  
J. A. Wilson, Director of Air Services, Department of Transport.

*Chile—*

Brigadier-General Rafael Sáenz, Vice-President, Chilean National Airlines (*Chairman of the Delegation*).  
Colonel Gregorio Bisquert, Director, Civil Aeronautics Administration.  
Colonel Raul Magallanes, Judge-Advocate, Chilean Air Force.

*China—*

Kia-ngau Chang, Adviser to the Chinese Government ; former Minister of Communications (*Chairman of the Delegation*).  
Major-General Pang-tsu Mow, Deputy-Director of the Commission on Aeronautical Affairs.  
Chieh Liu, Minister Plenipotentiary, Chinese Embassy, Washington.

*Colombia—*

Luis Tamayo, Minister Plenipotentiary Consul-General, New York (*Chairman of the Delegation*).  
Luis Guillermo Echeverri, Minister of Communications.  
Guillermo E. Suárez, Commercial Counselor, Colombian Embassy, Washington.  
Colonel Ernesto Buenaventura, Colombian Air Force ; former Military Attaché, Colombian Embassy, Washington.  
Lieutenant-Colonel Jorge Méndez Calvo, Colombian Air Force.

*Costa Rica—*

Román Macaya (*Chairman of the Delegation*).  
Mario Saborio.  
Jaime Carranza.  
Edward William Scott (*Adviser*).

\* Appendix V (drafts of the technical annexes) is not printed.

*Cuba—*

Felipe Pazos, Commercial Attaché, Cuban Embassy, Washington, representing the Ministry of State (*Chairman of the Delegation*).  
 Oscar Santa Maria, representing the Ministry of Communications.  
 Mario Torres Menier, representing the Ministry of Commerce.  
 Alberto Boada, representing the National Transport Commission (*Secretary to the Delegation*).

*Czechoslovakia—*

Air Vice-Marshal Karel Janousek, Inspector-General of the Czechoslovak Air Forces (*Chairman of the Delegation*).  
 Lieutenant-Colonel Alexander Hess, Assistant Military and Air Attaché, Czechoslovak Embassy, Washington (*Vice-Chairman of the Delegation*).  
 Flight-Lieutenant Josef Dubsky, R.A.F.  
 Kamil Kleiner.  
 Squadron Leader Stanislav Krejeik, R.A.F.  
 Squadron Leader Frantisek Martinek, R.A.F.  
 Milan Pitlik.

*Dominican Republic—*

Charles A. McLaughlin, Technical Colonel, Army of the Dominican Republic (*Chairman of the Delegation*).

*Ecuador—*

José A. Correa, First Secretary, Ecuadoran Embassy, Washington (*Chairman of the Delegation*).  
 Joge J. Trujillo.  
 Ernesto Bonilla.  
 Carlos de la Paz.  
 Francisco Gomez Jurado.

*Egypt—*

Mahmoud Bey Hassan, Minister to the United States (*Chairman of the Delegation*).  
 Mohamed Bey Roushdy, Director-General of Civil Aviation.  
 Mohamed Ali Fahmy, Controller, Section of Aviation Inspection.  
 Osman Hamdy, Controller, Section of Aeronautical Navigation and Aerodromes.  
 Lieutenant-Colonel Mohamed Abdel Halim Khalifa, R.E.A.F.

*El Salvador—*

Francisco Parraga (*Chairman of the Delegation*).  
 Armando Llanos.

*Ethiopia—*

Blatta Ephrem Tewelde Medben, Minister to the United States (*Chairman of the Delegation*).  
 Getahoun Tesemma, First Secretary, Ethiopian Legation, Washington (*Alternate Delegate*).

*France—*

Max Hymans, former Cabinet Minister; Director of Air Transport (*Chairman of the Delegation*).  
 Claude Lebel, Chief, Transport Division, Ministry of Foreign Affairs.  
 Pierre Locussol, Deputy Chief, Office of the Air Minister.  
 André, Bourges, Civil Engineer of Aviation; Attaché, Office of the Air Minister.

*Greece—*

Major-General Demetrios T. N. Botzaris (*Chairman of the Delegation*).  
 Alexander Argyropoulos.  
 Group Captain John Hadjinikolis, R.H.A.F.  
 Wing Commander Renos Pongis, R.H.A.F.  
 Squadron Leader Demetrios Coundouris, R.H.A.F.

*Guatemala—*

Colonel Oscar Morales López, Chief of the Guatemalan Army Air Force; Director-General of Civil Aeronautics (*Chairman of the Delegation*).  
 Francisco Linares Aranda, Second Secretary, Guatemalan Embassy, Washington.

*Haiti—*

Captain Edouard Roy, Commanding Officer of the Aviation Corps (*Chairman of the Delegation*).

*Honduras—*

Emilio P. Lefebvre (*Chairman of the Delegation*).  
 Colonel Joseph B. Pate.  
 José Augusto Rodríguez.

*Iceland—*

Thor Thors, Minister to the United States (*Chairman of the Delegation*).  
 Agnar Kofod-Hansen, Special Adviser to Icelandic Government in Aviation.  
 Gudmundur Hliddal, Director of Posts and Telegraphs.  
 Sigurdur Thoroddsen, Civil Engineer; Member of Icelandic Parliament.

*India—*

Sir Girja Shankar Bajpai, Agent-General for India (*Chairman of the Delegation*).  
 Sir Gurunath Bewoor, Secretary to the Government of India, Posts and Air Department.  
 Sir Frederick Tymms, Director of Civil Aviation in India.  
 Sirdar G. D. Singh, Civil Aviation Directorate.  
 S. C. Sen, Civil Aviation Directorate (*Delegate and Secretary*).

*Iran—*

Mohammed Shayesteh, Minister to the United States (*Chairman of the Delegation*).  
 Hossein Navab, Consul-General, New York.  
 Taghi Nassr, Iranian Trade and Economic Commissioner, New York.  
 Colonel Mahmoud Khosrovani.

*Iraq—*

Ali Jawdat, Minister to the United States (*Chairman of the Delegation*).  
 Colonel Sami Fattah, Chief of the Royal Iraqi Air Force.  
 Akram Mushtaq, Director of Civil Aviation of Iraq.  
 Ali Fuad, Director of Basra Civil Airport.

*Ireland—*

Robert Brennan, Minister to the United States (*Chairman of the Delegation*).  
 John Leydon, Permanent Secretary, Department of Industry and Commerce.  
 John J. Hearne, High Commissioner at Ottawa.  
 Timothy J. O'Driscoll, Principal Officer, Aviation and Marine Division, Department of Industry and Commerce.

*Lebanon—*

Camille Chamoun, Minister in London (*Chairman of the Delegation*).  
 Faouzi El-Hoss.

*Liberia—*

Walter F. Walker, Consul General, New York (*Chairman of the Delegation*).  
 John Lewis Cooper, Chief, Radio Service of Liberia.

*Luxembourg—*

Hugues Le Gallais, Minister to the United States (*Chairman of the Delegation*).

*Mexico—*

Colonel Pedro A. Chapa, representing the Ministry of Communications and Public Works (*Chairman of the Delegation*).  
 José L. Cossío, representing the Ministry of Foreign Relations.  
 Guillermo González, Engineer, representing the Ministry of Communications and Public Works.  
 Luis Andrade, representing the Ministry of National Economy.

*Netherlands—*

M. P. L. Steenberghe, Chairman of the Netherlands Economic, Financial, and Shipping Mission (*Chairman of the Delegation*).  
 B. Kleijn Molekamp, Minister Plenipotentiary, Netherlands Embassy, Washington.  
 F. C. Aronstein, Member, Netherlands Economic, Financial, and Shipping Mission; Adviser to the Minister of Overseas Territories.  
 F. H. Copes van Hasselt, Legal Adviser in Aviation Matters, Department of Public Works and Transport.

*New Zealand—*

Hon. D. G. Sullivan, Minister of Industries, Commerce, Supply, and Munitions; Member of War Cabinet, Wellington (*Chairman of the Delegation*).  
 Hon. C. A. Berendsen, Minister to the United States, Washington.  
 Foss Shanahan, Prime Minister's Department (External Affairs Department).  
 Air Commodore Arthur de T. Nevill, Vice Chief of Air Staff, Wellington.

*Nicaragua—*

Richard E. Frizell (*Chairman of the Delegation*).

*Norway—*

Wilhelm Munthe de Morgenstjerne, Ambassador to the United States (*Chairman of the Delegation*).  
 Knud Soemme, Member, Board of Directors, Royal Norwegian Air Transport.  
 Johan Georg Raeder, Commercial Counsellor, Norwegian Embassy, London.  
 Major Alf Heum, R.N.A.F., Chief, Section for Civil Aviation, Ministry of Defence.

*Panama—*

Carlos Icaza (*Chairman of the Delegation*).  
 Inocencio Galindo, Engineer.  
 Enrique Lefevre, Engineer.  
 Narciso E. Garay, First Secretary, Panamanian Embassy, Washington.

*Paraguay*

Lieutenant Commander A. Daniel Candia, Naval Attaché, Paraguayan Embassy, Washington (*Chairman of the Delegation*).



*Peru—*

- General Armando Revoredo, Air Attaché, Peruvian Embassy, Washington (*Chairman of the Delegation*).  
 José Koechlin, Chairman, Aviation Committee of the Chamber of Deputies.  
 Luis Alvarado, Minister Counsellor, Ottawa.  
 Federico Elguera, Consul General, Chicago.  
 Lieutenant Commander Guillermo van Oordt, Peruvian Air Force.

*Philippine Commonwealth—*

- Jaiue Hernandez, Secretary of Finance (*Chairman of the Delegation*).  
 Urbano A. Zafra, Economic Adviser to the President of the Philippine Commonwealth (*Acting Chairman of the Delegation*).  
 Colonel Manuel Nieto, Secretary of Agriculture and Commerce.  
 Joseph H. Foley, Manager, Philippine National Bank, New York Agency, Philippine Commonwealth.

*Poland—*

- Jan Ciechanowski, Ambassador to the United States (*Chairman of the Delegation*).  
 Zbyslaw Ciolkosz, Director, Civil Aviation Department, Ministry of Commerce, Industry, and Shipping (*Vice-Chairman of the Delegation*).  
 Stefan J. Konorski, Legal Adviser, Civil Aviation Department, Ministry of Commerce, Industry, and Shipping.  
 Henryk Gorecki, Chairman, Air Communications Committee, State Air Council; former Managing Director, "Lot" Air Lines.  
 Ludwik H. Gottlieb, International Organizations Department, Ministry of Foreign Affairs.  
 Stanislaw Szule, Industry Department, Ministry of Commerce, Industry, and Shipping.  
 Group Captain Witould Urbanowicz, Air Attaché, Polish Embassy, Washington.

*Portugal—*

- Mario de Figueiredo, former Cabinet Minister, Professor of Law, University of Coimbra (*Chairman of the Delegation*).  
 Brigadier Alfredo Delesque dos Santos Cintra, Vice-President, National Air Council.  
 Duarte Pinto Basto de Gusmão Calheiros, Assistant Postmaster-General.  
 Vasco Vieira Garin, Counsellor, Portuguese Embassy, Washington; Portuguese Chargé d'Affaires ad interim.

*Spain—*

- Esteban Terradas e Illa, President, Board of the National Institute of Aeronautical Technology (*Chairman of the Delegation*).  
 Germán Baraibar y Usandizaga, Diplomatic Officer with rank of Minister (*Vice-Chairman of the Delegation*).  
 Colonel Juan Bono Boix, Director-General of Civil Aviation.  
 Colonel Francisco Vives Camino, Director-General of Ground Construction.  
 Lieutenant-Colonel Luis Azcárraga Pérez Caballero, Director-General of Flight Protection.  
 César Gómez Lucia, Managing Director, Iberia Airline.  
 Major Ultano Kindelan, Assistant Air Attaché, Spanish Embassy, London.

*Sweden—*

- Ragnar Kumlin, Envoy Extraordinary and Minister Plenipotentiary to Brazil (*Chairman of the Delegation*).  
 Tord Knutsson Angstrom, Assistant Director of Civil Aviation.  
 Per Adolf Norlin, General Manager, Swedish Intercontinental Air Lines.  
 Gustaf Allan Hultman, Chief of Section, General Postal Administration.

*Switzerland—*

- Charles Bruggmann, Minister to the United States (*Chairman of the Delegation*).  
 Eduard Feer, Counsellor of Legation, Swiss Legation, Washington (*Alternate Chairman*).  
 Eduard Amstutz, Delegate for Civil Aeronautics.  
 Louis Clere, Chief, Swiss Air Office.  
 Jean Merminod, Chief, Section for Transports, Division of Foreign Affairs.  
 Henry Pillichody, Special Representative, Swiss National Office of Transportation.

*Syria—*

- Noureddeen Kahale (*Chairman of the Delegation*).

*Turkey—*

- Sükrü Koçak, President, Turkish Aeronautical League (*Chairman of the Delegation*).  
 Ferruh Sahinbas, Director-General of State Airways.  
 Orhan H. Erol, Counsellor, Turkish Embassy, Washington.

*Union of South Africa—*

- S. F. N. Gie, Minister to the United States (*Chairman of the Delegation*).  
 John Martin (*Co-delegate*).

*United Kingdom—*

- Lord Swinton, Minister of Civil Aviation (*Chairman of the Delegation*).  
 Sir Arthur Street, Permanent Under-Secretary, Air Ministry.  
 Sir George London, Government of Newfoundland.  
 W. P. Hildred, Director of Civil Aviation, Air Ministry.  
 J. H. Magowan, Minister, British Embassy, Washington.  
 W. C. G. Cribbitt, Assistant Under-Secretary, Air Ministry.  
 G. G. FitzMaurice, Legal Adviser, Foreign Office.  
 A. J. Walsh, Newfoundland.

*United States of America—*

- Adolf A. Berle, Jr., Assistant Secretary of State (*Chairman of the Delegation*).  
 Josiah W. Bailey, Chairman, Committee on Commerce, United States Senate.  
 Owen Brewster, Member, Committee on Commerce, United States Senate.  
 Alfred L. Bulwinkle, House of Representatives.

*United States of America—continued*

William A. M. Burden, Assistant Secretary of Commerce for Air.  
 Rear-Admiral Richard E. Byrd, U.S.N. (Retired).  
 Fiorello H. LaGuardia, Chairman, United States Section, Permanent Joint Board on Defense  
 (Canada-United States).  
 L. Welch Pogue, Chairman, Civil Aeronautics Board.  
 Edward Warner, Vice-Chairman, Civil Aeronautics Board.  
 Charles A. Wolverton, House of Representatives.

*Uruguay—*

Captain Carlos Carbajal, Uruguayan Navy (*Chairman of the Delegation*).  
 Colonel Medardo R. Farias, Military Attaché for Air, Uruguayan Embassy, Washington.

*Venezuela—*

Colonel Juan de Dios Celis Paredes, Ex-Minister of War and Navy (*Chairman of the Delegation*)  
 (absent).  
 Francisco J. Sucre, Director of Communications, Ministry of Public Works (*Acting Chairman*  
*of the Delegation*).  
 Julio Blanco Ustariz, Legal Adviser.

*Yugoslavia—*

Vladimir M. Vukmirovic, Consul-General, Chicago (*Chairman of the Delegation*).  
 Squadron Leader (Captain First Class) Nenad Dj. Mirosavljevic, Chief, Civil Aviation Division,  
 Yugoslav Ministry of War.  
 Flight Lieutenant Predrag Sopalovic.

Who met at Chicago, Illinois, on November 1, 1944, under the Temporary Presidency of Adolf A. Berle, Jr., Chairman of the Delegation of the United States of America.

Henrik de Kauffmann, Danish Minister at Washington, and Mom Rajawongse Seni Pramoj, Thai Minister at Washington, attended the First Plenary Session in response to an invitation extended by the Government of the United States to be present in a personal capacity. The Conference, on the recommendation of the Committee on Credentials, approved the attendance of the Danish Minister and the Thai Minister at the remaining sessions of the Conference.

Warren Kelchner, Chief of the Division of International Conferences, Department of State of the United States, was designated, with the approval of the President of the United States, as Secretary-General of the Conference, and Theodore P. Wright, Administrator of Civil Aeronautics, Civil Aeronautics Administration, Department of Commerce of the United States, was designated Technical Secretary of the Conference.

Adolf A. Berle, Jr., Chairman of the delegation of the United States of America, was elected Permanent President of the Conference at the Second Plenary Session, held on November 2, 1944.

Max Hymans, Chairman of the delegation of France, and Kia-ngau Chang, Chairman of the delegation of China, were elected Vice-Presidents of the Conference.

The Executive Committee, composed of the Chairmen of the respective delegations, and presided over by the Temporary President of the Conference, appointed a Steering Committee of the Conference, with the following membership :—

## STEERING COMMITTEE

Adolf A. Berle, Jr., United States of America (*Chairman ex officio*).  
 Abdol Hosayn Aziz (Afghanistan).  
 Hahnemann Guimaraes (Brazil).  
 C. D. Howe (Canada).  
 Kia-ngau Chang (China).  
 Luis Tamayo (Colombia).  
 Blatta Ephrem Tewelde Medhen (Ethiopia).  
 Max Hymans (France).  
 M. P. L. Steenberghe (Netherlands).  
 Wilhelm Munthe de Morgenstierne (Norway).  
 Lord Swinton (United Kingdom).  
 Captain Carlos Carbajal (Uruguay).

The Temporary President appointed the following members of the General Committee constituted by the Conference :—

## COMMITTEE ON NOMINATIONS

General Armando Revoredo (Peru) (*Chairman*).  
 Felipe Pazos (Cuba).  
 Sir Gurunath Bewoor (India).  
 Hugues Le Gallais (Luxembourg).  
 Jan Ciechanowski (Poland).

## COMMITTEE ON CREDENTIALS

Arthur S. Drakeford (Australia) (*Chairman*).  
 Mahmoud Bey Hassan (Egypt).  
 Group Captain John Hadjinikolis (Greece).  
 Wilhelm Munthe de Morgenstierne (Norway).  
 Carlos Icaza (Panama).

## COMMITTEE ON RULES AND REGULATIONS

S. F. N. Gie (Union of South Africa) (*Chairman*).  
 Brigadier-General Rafael Sáenz (Chile).  
 Air Vice-Marshal Karel Janousek (Czechoslovakia).  
 Thor Thors (Iceland).  
 Walter F. Walker (Liberia).

On November 30, 1944, the Co-ordinating Committee was appointed by the Executive Committee, with the following membership :—

CO-ORDINATING COMMITTEE

John Martin (Union of South Africa), Chairman of Committee I.  
 F. C. Aronstein (Netherlands), Alternate for Chairman of Committee II.  
 Stokeley W. Morgan (United States), Alternate for Chairman of Committee III.  
 Edmundo Penna Barbosa da Silva (Brazil), Alternate for Chairman of Committee IV.  
 Escott Reid (Canada).  
 Luis Machado (Cuba).  
 W. C. G. Cribbitt (United Kingdom).

The Conference was divided into four Technical Committees. The officers of these Committees, as elected by the Conference, and officers of the Sub-Committees established by the Committees, are listed below :—

COMMITTEE I.—MULTILATERAL AVIATION CONVENTION AND INTERNATIONAL AERONAUTICAL BODY

*Chairman* : John Martin (Union of South Africa).

*Vice-Chairman* : Luis Tamayo (Colombia).

*Secretary* : Paul T. David.

*Assistant Secretary* : Virginia C. Little.

Sub-Committee 1: International Organization—

*Chairman* : Viscount Alain du Parc (Belgium).

*Secretary* : Paul T. David.

Sub-Committee 2: Air Navigation Principles—

*Chairman* : L. Welch Pogue (United States).

*Secretary* : Virginia C. Little.

Sub-Committee 3: Air Transportation Principles—

*Chairman* : H. J. Symington (Canada).

*Secretary* : Melvin A. Brenner.

COMMITTEE II.—TECHNICAL STANDARDS AND PROCEDURES

*Chairman* : M. P. L. Steenberghe (Netherlands).

*Vice-Chairman* : A. D. McLean (Canada).

*Reporting Delegate* : Edward Warner (United States of America).

*Secretary* : Alfred S. Koch.

*Assistant Secretary* : Alfred Hand.

Sub-Committee 1: Communications Procedure; Airways System—

*Chairman* : Stanislaw Krzyckowski (Poland).

*Vice-Chairman* : W. A. Duncan (United Kingdom).

*Reporting Member* : F. W. Hancock (United Kingdom).

*Secretary* : Lloyd H. Simson.

Sub-Committee 2: Rules of the Air; Air Traffic Control Practices—

*Chairman* : Guillermo González (Mexico).

*Vice-Chairman* : Timothy J. O'Driscoll (Ireland).

*Secretary* : Kenneth Matucha.

Sub-Committee 3: Standards governing the Licensing of Operating and Mechanical Personnel;  
 Log-books—

*Chairman* : Major Alf Heum (Norway).

*Vice-Chairman* : Colonel Armando Revoredo (Peru).

*Reporting Member* : R. D. Poland (United Kingdom).

*Secretary* : Robert D. Hoyt.

Sub-Committee 4: Airworthiness of Aircraft—

*Chairman* : Air Vice Marshal A. Ferrier (Canada).

*Vice-Chairman* : Wing Commander J. M. Buckeridge (New Zealand).

*Secretary* : Omer Welling.

Sub-Committee 5: Registration and Identification of Aircraft—

*Chairman* : Colonel Ching-yeo Liu (China).

*Vice-Chairman* : Captain E. C. Johnston (Australia).

*Secretary* : John T. Morgan.

Sub-Committee 6: Collection and Dissemination of Meteorological Information—

*Chairman* : J. Patterson (Canada).

*Vice-Chairman* : Major Jorge Marciano (Venezuela).

*Secretary* : Delbert M. Little.

Sub-Committee 7: Aeronautical Maps and Charts—

*Chairman* : Paul A. Smith (United States of America).

*Vice-Chairman* : F. H. Peters (Canada).

*Reporting Member* : Lieutenant-Colonel J. C. T. Willis (United Kingdom).

*Secretary* : Jeremiah S. Morton.

Sub-Committee 8: Customs Procedures; Manifests—

*Chairman* : Vernon G. Crudge (United Kingdom).

*Vice-Chairman* : Josef Pick (Czechoslovakia).

*Secretary* : Charles M. Howell, Jr.

Sub-Committee 9: Accident Investigation, Including Search and Salvage—

*Chairman* : Air Commodore Vernon-Brown (United Kingdom).

*Vice-Chairman* : Rene de Ayala (Cuba).

*Secretary* : Claude M. Sterling.

Sub-Committee 10: Publications and Forms—

*Chairman* : Captain E. C. Johnston (Australia).

*Vice-Chairman* : Jean Peset (France).

*Secretary* : Floyd B. Brinkley.

## COMMITTEE III.—PROVISIONAL AIR ROUTES

*Chairman* : Adolf A. Berle, Jr. (United States of America).

*Vice-Chairman* : Max Hymans (France).

*Secretary* : Howard B. Railey.

*Assistant Secretary* : Harry A. Bowen.

## Sub-Committee 1: Standard Form of Provisional Route Agreements—

*Chairman* : Wilhelm Munthe de Morgenstjerne (Norway).

*Reporting Member* : F. C. Aronstein (Netherlands).

*Secretary* : Howard B. Railey.

## COMMITTEE IV.—INTERIM COUNCIL

*Chairman* : Hahnemann Guimarães (Brazil).

*Vice-Chairman* : Kia-ngau Chang (China).

*Secretary* : George C. Neal.

*Assistant Secretary* : Erwin R. Marlin.

## Sub-Committee 1: Composition and Organization of the Interim Council—

*Chairman* : S. F. N. Gie (Union of South Africa).

*Secretary* : Erwin R. Marlin.

## Sub-Committee 2: Powers and Duties of the Interim Council—

*Chairman* : General Armando Revoredo (Peru).

*Secretary* : George C. Neal.

The final Plenary Session was held on December 7, 1944.

As a result of the deliberations of the Conference, as recorded in the minutes and reports of the respective Committees and Sub-Committees and of the Plenary Sessions, the following instruments were formulated :—

## INTERIM AGREEMENT ON INTERNATIONAL CIVIL AVIATION

Interim Agreement on International Civil Aviation, which is attached hereto as Appendix I.

## CONVENTION ON INTERNATIONAL CIVIL AVIATION

Convention on International Civil Aviation, which is attached hereto as Appendix II.

## INTERNATIONAL AIR SERVICES TRANSIT AGREEMENT

International Air Services Transit Agreement, which is attached hereto as Appendix III.

## INTERNATIONAL AIR TRANSPORT AGREEMENT

International Air Transport Agreement, which is attached hereto as Appendix IV.

The following resolutions and recommendations were adopted :—

## I

## PREPARATION OF THE FINAL ACT

The International Civil Aviation Conference

## RESOLVES :

That the Secretariat be authorized to prepare the Final Act in accordance with the suggestions proposed by the Secretary-General in *Journal* No. 34, December 4, 1944, and that the Co-ordinating Committee review the text ;

That the Final Act contain the definitive texts of the instruments formulated by the Conference in plenary session, and that no changes be made therein at the Final Plenary Session.

## II

## DRAFT TECHNICAL ANNEXES

## WHEREAS :

The largest possible degree of international standardization of practice in many matters is important to safe, expeditious, and easy air navigation ; and

## WHEREAS :

These matters typically involve problems of great variety and complexity, and require that much new ground be explored ; and

## WHEREAS :

Considerable progress has been made, during the discussions of the present Conference, in the development of codes of practice agreed upon as proper by the technicians participating in the discussions, but the time has been too limited, and the number of personnel able to participate directly too small, to permit carrying the discussions to final conviction of the adequacy or correctness of certain of the determinations here made ;

The International Civil Aviation Conference

## RESOLVES :

That the drafts of annexes for an international civil aviation convention, which are attached hereto as Appendix V,\* be accepted by the Conference, upon the bases that—

- (a) The drafts as now presented shall be accepted by the participating States for immediate and continuing study ;
- (b) They shall be accepted as constituting models of the desirable scope and arrangement of the several annexes ;
- (c) The participating States undertake to forward to the Government of the United States (or to the Provisional International Civil Aviation Organization if it shall in the meantime have been established), by May 1, 1945, any recommendations which they may have for necessary additions, deletions, or amendments ;

\* See note on page 6.

- (d) The Government of the United States (or the Provisional International Civil Aviation Organization) will transmit such suggestions to the other participating States in anticipation of meetings of the technical committees to be established by the Provisional International Civil Aviation Organization for dealing with the subject-matter of the various documents, such meetings to be held as soon as practicable thereafter for the purpose of ultimate acceptance of the annexes in final form for attachment to a convention.
- (e) Meanwhile, in so far as the Technical Sub-committees have been able to agree on recommended practices, the States of the world, bearing in mind their present international obligations, are urged to accept these practices as ones toward which the national practices of the several States should be directed as far and as rapidly as may prove practicable.

### III

#### TECHNICAL PERSONNEL

##### WHEREAS :

The development and maintenance of suitable international standards in matters relating to international air navigation will require constant analysis, by technically qualified personnel, of the development of the pertinent arts and of the various practices existing with respect thereto ;

The International Civil Aviation Conference

##### RESOLVES :

That the Provisional International Civil Aviation Organization, as soon as possible after its organization, should employ in its Secretariat a suitable body of personnel, expert in the fields of aeronautical science and practice in which continuing study will be particularly needed ; and that such technically qualified members of the Secretariat should be charged to analyze and report to the Provisional International Civil Aviation Organization on problems relating to the drafting of international standards and recommended practices and to conduct and report on such other studies as will promote the safe and efficient conduct of international air transportation.

### IV

#### METRIC SYSTEM

##### WHEREAS :

A standard system of measurements in all rules and regulations pertaining to air traffic on international and intercontinental airways would greatly contribute to the safety of these operations ; and

##### WHEREAS :

It is considered of high importance that figures used in rules and regulations and other data, with which air crews and other operational personnel have to deal in the preparation of and during flights over various countries, should consist of round figures which can easily be remembered ;

The International Civil Aviation Conference

##### RESOLVES :

1. That in those cases in which it appears impracticable or undesirable to make use of the metric system as a primary international standard, units in publications and codes of practice directly affecting international air navigation should be expressed both in the metric and English systems ; and

2. That the Provisional International Civil Aviation Organization shall make further unification of numbering and systems of dimensioning and specification of dimensions used in connection with international air navigation the subject of continuing study and recommendation.

### V

#### TRANSFER OF TITLE TO AIRCRAFT

##### CONSIDERING :

That the sale of aircraft to be used in international operations will render it desirable for the various Governments to reach a common understanding on the legal questions involved in the transfer of title :

The International Civil Aviation Conference

##### RECOMMENDS :

That the various Governments represented at this International Civil Aviation Conference give consideration to the early calling of an international conference on private international air law for the purpose of adopting a convention dealing with the transfer of title to aircraft and that such private air law conference include in the bases of discussions :

- (a) The existing draft convention relating to mortgages, other real securities, and aerial privileges ; and
- (b) The existing draft convention on the ownership of aircraft and the aeronautic register, both of which were adopted by the Comité International Technique d'Experts Juridiques Aériens (CITEJA) in 1931.

### VI

#### ROME CONVENTION (MAY 29, 1933)\* RELATING TO THE PRECAUTIONARY ATTACHMENT OF AIRCRAFT

##### CONSIDERING :

That the expeditious movement of aircraft in international commerce is essential in order that the fullest advantage may be derived from the rapid means of communication afforded by aircraft ;

That the seizure or detention of aircraft where the attaching creditor cannot invoke a judgment and execution obtained beforehand in the ordinary course of procedure, or an equivalent right of execution, affects the expeditious movement of aircraft in international commerce ;

\* " League of Nations Treaty Series " No. 4479 (not ratified by His Majesty's Government in the United Kingdom).

## The International Civil Aviation Conference

## RECOMMENDS :

That the various Governments represented at this International Civil Aviation Conference give consideration to the desirability of ratifying or adhering to the Convention for the Unification of Certain Rules Relating to the Precautionary Attachment of Aircraft, signed at Rome on May 29, 1933, during the Third International Conference on Private Air Law, in so far as such governments have not already ratified or adhered to that Convention.

## VII

## RESUMPTION OF AND CO-ORDINATION WITH THE SESSIONS OF CITEJA

## CONSIDERING :

That the Comité International Technique d'Experts Juridiques Aériens (CITEJA), created pursuant to a recommendation adopted at the First International Conference on Private Air Law held at Paris in 1925, has made considerable progress in the development of a code of private international air law through the preparation of draft international conventions for final adoption at periodic international conferences on private air law ;

That the further elaboration of this code of private international air law through the completion of pending CITEJA projects and the initiation of new studies in the field of private air law will contribute materially to the development of international civil aviation :

The International Civil Aviation Conference

## RECOMMENDS :

1. That the various Governments represented at this International Civil Aviation Conference give consideration to the desirability of bringing about the resumption at the earliest possible date of the CITEJA sessions which were suspended because of the outbreak of war, of making necessary contributions toward the expenses of the Secretariat of CITEJA, and of appointing legal experts to attend the CITEJA meetings ; and

2. That consideration also be given by the various Governments to the desirability of co-ordinating the activities of CITEJA with those of the Provisional International Civil Aviation Organization and, after it shall have come into existence, of the permanent International Civil Aviation Organization established pursuant to the Convention on International Civil Aviation drawn up at Chicago on December 7, 1944.

## VIII

## STANDARD FORM OF AGREEMENT FOR PROVISIONAL AIR ROUTES

## WHEREAS :

The course of military events will free certain areas of the world from the interruption which the war has caused to civil air traffic ;

## WHEREAS :

The civil transport systems and facilities of many States have been reduced to a level which is far from adequate, but on the other hand there exist wide opportunities for utilizing the airplane, which has demonstrated its efficiency in rendering rapid transportation on a large scale basis, in bringing aid to needy countries and in hastening the return of normal trade and commerce ;

## WHEREAS :

The possibilities of air transportation are so great and at the same time so unpredictable, that it is desirable to promote early development in this field during a transitional period, in order to obtain practical experience for giving effect to more permanent arrangements at a later date ;

## WHEREAS :

Every State has complete and exclusive sovereignty over the air space above its territory ; and

## WHEREAS :

It is desirable that there should be as great a measure of uniformity as possible in any agreements that may be made between States for the operation of air services ;

*The International Civil Aviation Conference*

## RECOMMENDS :

1. That each State undertake to refrain from including specific provisions in an agreement which grant exclusive rights of transit, non-traffic stop, and commercial entry to any other State or airline, or from making any agreement excluding or discriminating against the airlines of any State, and will terminate any existing exclusive or discriminatory rights as soon as such action can be taken under presently outstanding agreements ;

2. That the clauses contained in the draft form of standard agreement hereinafter set out shall be regarded as standard clauses for incorporation in the agreements referred to above, it being understood that the right is reserved to the States concerned to effect such changes of wording as may be necessary in the particular case and to add additional clauses so long as such changes or additions are not inconsistent with the standard clauses, it being further understood that nothing herein shall prevent any State from entering into agreements with airlines of other States provided that such agreements shall incorporate the aforementioned standard clauses to the extent that these may be applicable :

## FORM OF STANDARD AGREEMENT FOR PROVISIONAL AIR ROUTES

(1) The contracting parties grant the rights 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.

\* An Annex will include a description of the routes and of the rights granted whether of transit only, of non-traffic stops or of commercial entry as the case may be, and the conditions incidental to the granting of the rights. Where rights of non-traffic stops or commercial rights are granted, the Annex will include a designation of the ports of call at which stops can be made, or at which commercial rights for the embarkation and disembarkation of passengers, cargo and mail are authorized, and a statement of the contracting parties to whom the respective rights are granted.

(2) (a) Each of the air services so described shall be placed in operation as soon as the contracting party to whom the right has been granted by paragraph (1) to designate an airline or airlines for the route concerned has authorized an airline for such route, and the contracting party granting the right shall, subject to Article (7) hereof, be bound to give the appropriate operating permission to the airline or airlines concerned; provided that the airline so designated may be 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.

(b) It is understood that any contracting party granted commercial rights under this Agreement should exercise them at the earliest practicable date except in the case of temporary inability to do so.

(3) Operating rights which may have been granted previously by any of the contracting parties to any State not a party to this Agreement or to an airline shall continue in force according to their terms.

(4) In order to prevent discriminatory practices and to assure equality of treatment, it is agreed that—

(a) Each of the contracting parties may impose or permit to be imposed just and reasonable charges for the use of airports, and other facilities. 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 a contracting party by another contracting party or its nationals, and intended solely for use by aircraft of such other contracting party shall be accorded national and most-favoured-nation treatment with respect to the imposition of customs duties, inspection fees or other national duties or charges by the contracting party whose territory is entered.

(c) The fuel, lubricating-oils, spare parts, regular equipment and aircraft stores retained on board civil aircraft of the airlines of the contracting parties authorized to operate the routes and services described in the Annex shall, upon arriving in or leaving the territory of other contracting parties, 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.

(5) 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 parties 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 flight above its own territory, certificates of competency and licenses granted to its own nationals by another State.

(6) (a) The laws and regulations of a 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 all contracting parties without distinction as to nationality, and shall be complied with by such aircraft upon entering or departing from or while within the territory of that party.

(b) The laws and regulations of a 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 upon entrance into or departure from, or while within, the territory of that party.

(7) Each contracting party reserves the right to withhold or revoke a certificate or permit to an airline of another State in any case where it is not satisfied that substantial ownership and effective control are vested in nationals of a party to this Agreement, or in case of failure of an airline to comply with the laws of the State over which it operates, as described in Article (6) hereof, or to perform its obligations under this Agreement.

(8) This Agreement and all contracts connected therewith, shall be registered with the Provisional International Civil Aviation Organization.

(9) [Where desired, here insert provisions for arbitration, the details of which will be a matter for negotiation between the parties to each agreement.]

(10) This Agreement shall continue in force until such time as it may be amended, or superseded by a general multilateral air convention, provided, however, that the rights for services granted under this Agreement may be terminated by giving one year's notice to the contracting party whose airlines are concerned. Such notice may be given at any time after a period of two months to allow for consultation between the contracting party giving notice and the contracting parties served by the routes.

## IX

### FLIGHT DOCUMENTS AND FORMS

The International Civil Aviation Conference

#### RESOLVES :

That the Provisional International Civil Aviation Organization, when established, be requested to give consideration to the question of the publication of flight documents and forms in representative languages of areas through which major international air routes are operated.

## X

## RECOMMENDATION THAT CERTAIN MATTERS BE REFERRED TO THE INTERIM COUNCIL FOR STUDY

The International Civil Aviation Conference

## RECOMMENDS :

That the matters on which it has not been possible to reach agreement between the States represented at this Conference, in particular the matters comprehended within the headings of Articles II, X, XI, and XII of Document 358 (Draft of a Section of an International Air Convention Relating Primarily to Air Transport, together with Conference Documents 384, 385, 400, 407, and 429, and all other documentation relating thereto) be referred to the Interim Council provided for in the Interim Agreement on International Civil Aviation drawn up at Chicago on December 6, 1944, with instructions to give these matters continuing study and to submit a report thereon with recommendations to the Interim Assembly as soon as practicable.

## XI

## PUBLICATION OF DOCUMENTATION

The International Civil Aviation Conference

## RESOLVES :

That the Government of the United States of America be authorized to publish the Final Act of this Conference ; the Reports of the Committees ; the Minutes of the Public Sessions ; the Texts of any Multilateral Agreements concluded at the Conference ; and to make available for publication such additional documents in connection with the work of this Conference as in its judgment may be considered in the public interest.

## XII

The International Civil Aviation Conference

## RESOLVES :

1. To express its gratitude to the President of the United States, Franklin D. Roosevelt, for his initiative in convening the present Conference and for its preparation ;
2. To express to its President, Adolf A. Berle, Jr., its deep appreciation for the admirable manner in which he has guided the Conference ;
3. To express to the officers and staff of the Secretariat its appreciation for their untiring services and diligent efforts in contributing to the attainment of the objectives of the Conference.

IN WITNESS WHEREOF, the following delegates sign the present Final Act.

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 each of the governments represented at the Conference.

(See List of Signatories—page 40.)

**APPENDIX I. - INTERIM AGREEMENT ON INTERNATIONAL CIVIL AVIATION**

The undersigned, on behalf of their respective Governments, agree to the following :—

*Article I*

## THE PROVISIONAL ORGANIZATION

Section 1. *Provisional international organization*

The signatory States hereby establish a provisional international organization of a technical and advisory nature of sovereign States for the purpose of collaboration in the field of international civil aviation. The organization shall be known as the Provisional International Civil Aviation Organization.

Section 2. *Structure of Provisional Organization*

The Organization shall consist of an Interim Assembly and an Interim Council, and it shall have its seat in Canada.

Section 3. *Duration of interim period*

The Organization is established for an interim period, which shall last until a new permanent convention on international civil aviation shall have come into force or another conference on international civil aviation shall have agreed upon other arrangements ; *Provided, however,* That the interim period shall in no event exceed three years from the coming into force of the present Agreement.

Section 4. *Legal capacity*

The Organization shall enjoy in the territory of each member State such legal capacity as may be necessary for the performance of its functions. Full juridical personality shall be granted wherever compatible with the constitution and laws of the State concerned.

*Article II*

## THE INTERIM ASSEMBLY

Section 1. *Meetings of Assembly*

The Assembly shall meet annually and shall be convened by the Council at a suitable time and place. Extraordinary meetings of the Assembly may be held at any time upon call of the Council or at the request of any ten member States of the Organization addressed to the Secretary General.



*Representation and voting power in Assembly*

All member States shall have equal right to be represented at the meetings of the Assembly and each member State shall be entitled to one vote. Delegates representing member States may be assisted by technical advisers who may participate in the meetings but shall have no vote.

*Quorum of Assembly*

A majority of the member States is required to constitute a quorum for the meetings of the Assembly. Unless otherwise provided herein, voting of the Assembly shall be by a simple majority of the member States present.

*Section 2. Powers and duties of Assembly*

The powers and duties of the Assembly shall be to

- (1) Elect at each meeting its President and other officers :
- (2) Elect the member States to be represented on the Council, as provided in Article III, Section 1 :
- (3) Examine, and take appropriate action upon, the reports of the Council and decide upon any matter referred to it by the Council :
- (4) Determine its own rules of procedure and establish such subsidiary commissions and committees as may be necessary or advisable :
- (5) Approve an annual budget and determine the financial arrangements of the Organization :
- (6) At its discretion, refer to the Council any specific matter for its consideration and report :
- (7) Delegate to the Council all the powers and authority that may be considered necessary or advisable for the discharge of the duties of the Organization. Such delegations of authority may be revoked or modified at any time by the Assembly :
- (8) Deal with any matter within the sphere of action of the Organization not specifically assigned to the Council.

*Article III*

## THE INTERIM COUNCIL

*Section 1. Composition of Council*

The Council shall be composed of not more than 21 member States elected by the Assembly for a period of two years. In electing the members of the Council, the Assembly shall give adequate representation (1) to those member States of chief importance in air transport, (2) to those member States not otherwise included which make the largest contribution to the provision of facilities for international civil air navigation, and (3) to those member States not otherwise included whose election will insure that all major geographical areas of the world are represented.

*Filling vacancies on Council*

Any vacancy on the Council shall be filled by the Assembly at its next meeting. Any member State of the Council so elected shall hold office for the remainder of its predecessor's term of office.

*Section 2*

No representative of a member State on the Council shall be actively associated with the operation of an international air service or financially interested in such a service.

*Section 3. Officers of Council*

The Council shall elect, and determine the emoluments of, a President, for a term not to exceed the interim period. The President shall have no vote. The Council shall also elect from among its members one or more Vice-Presidents, who shall retain their right to vote when serving as Acting President. The President need not be selected from the members of the Council but if a member is elected, his seat shall be deemed vacant and it shall be filled by the State which he represented.

*Duties of the President*

The President shall convene, and preside at, the meetings of the Council ; he shall act as the Council's representative ; and he shall carry out such functions on behalf of the Council as may be assigned to him.

*Decisions of Council*

Decisions by the Council will be deemed valid only when approved by a majority of all the members of the Council.

*Section 4. Participation in matters before Council*

Any member State not a member of the Council may participate in the deliberations of the Council whenever any decision is to be taken which especially concerns such member State. Such member State, however, shall not have the right to vote ; provided that, in any case in which there is a dispute between one or more member States who are not members of the Council and one or more member States who are members of the Council, any State within the second category which is a party to the dispute shall have no right to vote on that dispute.

*Section 5. Powers and duties of Council*

The powers and duties of the Council shall be to :

- (1) Carry out the directives of the Assembly.
- (2) Determine its own organization and rules of procedure.
- (3) Determine the method of appointment, emoluments, and conditions of service of the employees of the Organization.
- (4) Appoint a Secretary-General.

- (5) Provide for the establishment of any subsidiary working groups which may be considered desirable, among which there shall be the following interim committees :—
- (a) A Committee on Air Transport,
  - (b) A Committee on Air Navigation, and
  - (c) A Committee on International Convention on Civil Aviation.
- If a member State so desires, it shall have the right to appoint a representative on any such interim committee or working group.
- (6) Prepare and submit to the Assembly budget estimates of the Organization, and statements of accounts of all receipts and expenditures and to authorize its own expenditures.
- (7) Enter into agreements with other international bodies when it deems advisable for the maintenance of common services and for common arrangements concerning personnel and, with the approval of the Assembly, enter into such other arrangements as may facilitate the work of the Organization.

#### Section 6. *Functions of Council*

In addition to the powers and authority which the Assembly may delegate to it, the functions of the Council shall be to—

(1) Maintain liaison with the member States of the Organization, calling upon them for such pertinent data and information as may be required in giving consideration to recommendations made by them.

(2) Receive, register, and hold open to inspection by member States all existing contracts and agreements relating to routes, services, landing rights, airport facilities, or other international air matters to which any member State or any airline of a member State is a party.

(3) Supervise and co-ordinate the work of—

(a) The Committee on Air Transport, whose functions shall be to—

(1) Observe, correlate, and continuously report upon the facts concerning the origin and volume of international air traffic and the relation of such traffic, or the demand therefor, to the facilities actually provided.

(2) Request, collect, analyse, and report on information with respect to subsidies, tariffs, and costs of operation.

(3) Study any matters affecting the organization and operation of international air services, including the international ownership and operation of international trunk lines.

(4) Study and report with recommendations to the Assembly as soon as practicable on the matters on which it has not been possible to reach agreement among the nations represented at the International Civil Aviation Conference, convened in Chicago, November 1, 1944, in particular the matters comprehended within the headings of Articles II, X, XI, and XII of Conference Document 422, together with Conference Documents 384, 385, 400, 407, and 429, and all other documentation relating thereto.

(b) The Committee on Air Navigation, whose functions shall be to—

(1) Study, interpret, and advise on standards and procedures with respect to communications systems and air navigation aids, including ground marks; rules of the air and air traffic control practices; standards governing the licensing of operating and mechanical personnel; airworthiness of aircraft; registration and identification of aircraft; meteorological protection of international aeronautics; log-books and manifests; aeronautical maps and charts; airports; customs, immigration, and quarantine procedure; accident investigation, including search and salvage; and the further unification of numbering and systems of dimensioning and specification of dimensions used in connection with international air navigation.

(2) Recommend the adoption, and take all possible steps to secure the application, of minimum requirements and standard procedures with respect to the subjects in the preceding paragraph.

(3) Continue the preparation of technical documents, in accordance with the recommendations of the International Civil Aviation Conference approved at Chicago on December 7, 1944, and with the resulting suggestions of the member States, for attachment to the Convention on International Civil Aviation, signed at Chicago on December 7, 1944.

(c) The Committee on International Convention on Civil Aviation, whose functions shall be to continue the study of an international convention on civil aviation.

(4) Receive and consider the reports of the committees and working groups.

(5) Transmit to each member State the reports of these committees and working groups and the findings of the Council thereon.

(6) Make recommendations with respect to technical matters to the member States of the Assembly individually or collectively.

(7) Submit an annual report to the Assembly.

(8) When expressly requested by all the parties concerned, act as an arbitral body on any differences arising among member States relating to international civil aviation matters which may be submitted to it. The Council may render an advisory report or, if the parties concerned so expressly decide, they may obligate themselves in advance to accept the decision of the Council. The procedure to govern the arbitral proceedings shall be determined in agreement between the Council and all the interested parties.

(9) On direction of the Assembly, convene another conference on international civil aviation; or at such time as the Convention is ratified, convene the first Assembly under the Convention.

*Article IV*

## THE SECRETARY-GENERAL

*Functions of Secretary-General*

The Secretary-General shall be the chief executive and administrative officer of the Organization. The Secretary-General shall be responsible to the Council as a whole and, following established policies of the Council, shall have full power and authority to carry out the duties assigned to him by the Council. The Secretary-General shall make periodic reports to the Council covering the progress of the Secretariat's activities. The Secretary-General shall appoint the staff of the Secretariat. He shall likewise appoint the secretariat and staff necessary to the functioning of the Assembly, of the Council, and of Committees or such working groups as are mentioned in the present Agreement or may be constituted pursuant thereto.

*Article V*

## FINANCES

Each member State shall bear the expenses of its own delegation to the Assembly and the salary, travel, and other expenses of its own delegate on the Council and of its representatives on committees or subsidiary working groups.

*Contributions*

The expenses of the organization shall be borne by the member States in proportions to be decided by the Assembly. Funds shall be advanced by each member State to cover the initial expenses of the Organization.

*Suspension for financial delinquency*

The Assembly may suspend the voting-power of any member State that fails to discharge, within a reasonable period, its financial obligations to the Organization.

*Article VI*

## SPECIAL DUTIES

The Organization shall also carry out the functions placed upon it by the International Air Services Transit Agreement and by the International Air Transport Agreement drawn up at Chicago on December 7, 1944, in accordance with the terms and conditions therein set forth.

Members of the Assembly and the Council who have not accepted the International Air Services Transit Agreement or the International Air Transport Agreement drawn up at Chicago on December 7, 1944, shall not have the right to vote on any questions referred to the Assembly or Council under the provisions of the relevant Agreements.

*Article VII*

## TRANSFER OF FUNCTIONS, RECORDS, AND PROPERTY

The exercise of any functions which shall have been herein assigned to the Provisional Organization shall cease at any time that those particular functions have been completed or transferred to another international organization. At the time of the coming into force of the Convention on International Civil Aviation signed at Chicago, December 7, 1944, the records and property of the Provisional Organization shall be transferred to the International Civil Aviation Organization established under the above-mentioned Convention.

*Article VIII*

## FLIGHT OVER TERRITORY OF MEMBER STATES

Section 1. *Sovereignty*

The member States recognize that every State has complete and exclusive sovereignty over the air space above its territory.

Section 2. *Territory*

For the purposes of this Agreement the territory of a State shall be deemed to be the land areas and territorial waters adjacent thereto under the sovereignty, suzerainty, protection or mandate of such State.

Section 3. *Civil and State aircraft*

This Agreement shall be applicable only to civil aircraft, and shall not be applicable to State aircraft. Aircraft used in military, Customs, and police services shall be deemed to be State aircraft.

Section 4. *Landing at Customs airport*

Except in a case where, under the terms of an agreement or of a special authorization, aircraft are permitted to cross the territory of a member State without landing, every aircraft which enters the territory of a member State shall, if the regulations of that State so require, land at an airport designated by that State for the purpose of Customs and other examination. On departure from the territory of a member State, such aircraft shall depart from a similarly designated Customs airport. Particulars of all designated Customs airports shall be published by the State and transmitted to the Provisional International Civil Aviation Organization for communication to all other member States.

Section 5. *Applicability of air regulations*

Subject to the provisions of this Agreement, the laws and regulations of a member State 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 all member States without distinction as to nationality, and shall be complied with by such aircraft upon entering or departing from or while within the territory of that State.

### Section 6. *Rules of the air, &c.*

Each member State undertakes to adopt measures to ensure that every aircraft flying over or manœuvring within its territory and that every aircraft carrying its nationality mark, wherever it may be, shall comply with the rules and regulations relating to the flight and manœuvre of aircraft there in force. Each member State undertakes to insure the prosecution of all persons violating the regulations applicable.

### Section 7. *Entry and clearance regulations*

The laws and regulations of a member State 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 upon entrance into or departure from, or while within, the territory of that State.

### Section 8. *Prevention of spread of disease*

The member States agree to take effective measures to prevent the spread by means of air navigation of cholera, typhus (epidemic), small-pox, yellow fever, and plague, and such other communicable diseases as the member States shall from time to time decide to designate, and to that end member States will keep in close consultation with the agencies concerned with international regulations relating to sanitary measures applicable to aircraft. Such consultation shall be without prejudice to the application of any existing international convention on this subject to which the member States may be parties.

### Section 9. *Designation of routes and airports and charges for use of airports and facilities*

Each member 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 member State, the charges imposed for the use of airports and other facilities shall be subject to review by the Council, which shall report and make recommendations thereon for the consideration of the State or States concerned.

### Section 10. *Search of aircraft*

The appropriate authorities of each of the member States shall have the right, without unreasonable delay, to search aircraft of the other member States on landing or departure, and to inspect the certificates and other documents prescribed by this Agreement.

## *Article IX*

### MEASURES TO FACILITATE AIR NAVIGATION

#### Section 1. *Air navigation facilities*

Each member State undertakes, so far as it may find practicable, to make available such radio facilities, such meteorological services, and such other air navigation facilities as may from time to time be required for the operation of safe and efficient scheduled international air services under the provisions of this Agreement.

#### Section 2. *Aircraft in distress*

Each member State undertakes to provide such measures of assistance to aircraft in distress in its territory as it may find practicable, and to permit, subject to the control of its own authorities, the owners or authorities of the State in which the aircraft is registered to provide such measures of assistance as may be necessitated by the circumstances.

#### Section 3. *Investigation of accidents*

In the event of an accident to an aircraft of a member State occurring in the territory of another member State, and involving death or serious injury, or indicating serious technical defect in the aircraft or air navigation facilities, the State in which the accident occurs will institute an inquiry into the circumstances of the accident. The State in which the aircraft is registered shall be given the opportunity to appoint observers to be present at the inquiry and the State holding the inquiry shall communicate the report and findings in the matter to that State.

## *Article X*

### CONDITIONS TO BE FULFILLED WITH RESPECT TO AIRCRAFT

#### Section 1. *Documents carried in aircraft*

Every aircraft of a member State, engaged in international navigation, shall carry the following documents :—

- (a) Its certificate of registration.
- (b) Its certificate of airworthiness.
- (c) The appropriate licenses for each member of the crew.
- (d) Its journey log-book.
- (e) If it is equipped with radio apparatus, the aircraft radio station license.
- (f) If it carries passengers, a list of their names and places of embarkation and destination.
- (g) If it carries cargo, a manifest and detailed declarations of the cargo.

### Section 2. *Aircraft radio equipment*

(a) Aircraft of each member State may, in or over the territory of other member States, carry radio transmitting apparatus only if a license to install and operate such apparatus has been issued by the appropriate authorities of the State in which the aircraft is registered. The use of radio transmitting apparatus in the territory of the member State whose territory is flown over shall be in accordance with the regulations prescribed by that State.

(b) Radio transmitting apparatus may be used only by members of the flight crew who are provided with a special license for the purpose, issued by the appropriate authorities of the State in which the aircraft is registered.

### Section 3. *Certificates of airworthiness*

Every aircraft engaged in international navigation shall be provided with a certificate of airworthiness issued or rendered valid by the State in which it is registered.

### Section 4. *Licenses of personnel*

(a) The pilot of every aircraft and the other members of the operating crew of every aircraft engaged in international navigation shall be provided with certificates of competency and licenses issued or rendered valid by the State in which the aircraft is registered.

(b) Each member State reserves the right to refuse to recognize, for the purpose of flight above its own territory, certificates of competency and licenses granted to any of its nationals by another member State.

### Section 5. *Recognition of certificates and licenses*

Subject to the provisions of Section 4 (b), certificates of airworthiness and certificates of competency and licenses issued or rendered valid by the member State in which the aircraft is registered shall be recognized as valid by the other member State.

### Section 6. *Journey log-books*

There shall be maintained in respect of every aircraft engaged in international navigation a journey log-book, in which shall be entered particulars of the aircraft, its crew, and each journey.

### Section 7. *Photographic apparatus*

Each member State may prohibit or regulate the use of photographic apparatus in aircraft over its territory.

## *Article XI*

### AIRPORTS AND AIR NAVIGATION FACILITIES

#### *Airports and air navigation facilities*

Where a member State desires assistance in the provision of airports or air navigation facilities in its territory, the Council may make arrangements for the provision of such assistance so far as may be practicable in accordance with the provisions of Chapter XV of the Convention on International Civil Aviation signed at Chicago, December 7, 1944.

## *Article XII*

### JOINT OPERATING ORGANIZATIONS AND ARRANGEMENTS

#### Section 1. *Constituting joint organizations*

Nothing in this Agreement shall prevent two or more member States from constituting joint air transport operating organizations or international operating agencies and from pooling their air services on any routes or in any regions, but such organizations or agencies and such pooled services shall be subject to all the provisions of this Agreement, including those relating to the registration of agreements with the Council.

#### Section 2

The Council may suggest to member States concerned that they form joint organizations to operate air services on any routes or in any regions.

#### Section 3. *Participation in operating organizations*

A State may participate in joint operating organizations or in pooling arrangements, either through its Government or through an airline company or companies designated by its Government. The companies may, at the sole discretion of the State concerned, be State-owned or partly State-owned or privately owned.

## *Article XIII*

### UNDERTAKINGS OF MEMBER STATES

#### Section 1. *Filing contracts*

Each member State undertakes to transmit to the Council copies of all existing and future contracts and agreements relating to routes, services, landing rights, airport facilities, or other international air matters to which any member State or any airline of a member State is a party, as described in Article III, Section 6, Subsection (2).

#### Section 2. *Filing Statistics*

Each member State undertakes to require its international airlines to file with the Council, in accordance with requirements laid down by the Council, traffic reports, cost statistics, and financial statements as described in Article III, Section 6, Subsection (3), (a) (1) and (2), showing, among other things, all receipts and the sources thereof.

### Section 3. *Application of aviation practices.*

The member States undertake, with respect to the matters set forth in Article III, Section 6, Subsection (3), (b) (1), to apply, as rapidly as possible, in their national civil aviation practices, the general recommendations of the International Civil Aviation Conference, convened in Chicago, November 1, 1944, and such recommendations as will be made through the continuing study of the Council.

#### *Article XIV*

##### WITHDRAWAL

Any member State, a party to the present Agreement, may withdraw therefrom on six months' notice given by it to the Secretary-General, who shall at once inform all the member States of the Organization of such notice of withdrawal.

#### *Article XV*

##### DEFINITIONS

For the purpose of this Agreement the expression—

- (a) " Air service " means any scheduled air service performed by aircraft for the public transport of passengers, mail, or cargo :
- (b) " International air service " means an air service which passes through the air space over the territory of more than one State :
- (c) " Airline " means any air transport enterprise offering or operating an international air service.

#### *Article XVI*

##### ELECTION OF FIRST INTERIM COUNCIL

###### *Composition of first Council*

The first Interim Council shall be composed of the States elected for that purpose by the International Civil Aviation Conference convened in Chicago on November 1, 1944, provided that no State thus elected shall become a member of the Council until it has accepted the present Agreement and unless such acceptance has taken place within six months after December, 7 1944. In no case shall the term of office of a State as a member of the first Interim Council begin before or go beyond the period of two years, starting from the coming into force of the present Agreement.

###### *Taking Seat on Council*

Each State so elected to the Interim Council shall take its seat in the Council upon acceptance by that State of this Agreement or upon the entry into force of this Agreement, whichever is the later date, and it shall hold its seat until the end of the two years following the coming into force of this Agreement, *Provided*, that any State so elected to the Council which does not accept this Agreement within six months after the above-mentioned election shall not become a member of the Council and the seat shall remain vacant until the next meeting of the Assembly.

#### *Article XVII*

##### SIGNATURES AND ACCEPTANCES OF AGREEMENT

###### *Signing the Agreement*

The undersigned delegates to the International Civil Aviation Conference, convened in Chicago on November 1, 1944, have affixed their signatures to the present Interim 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.

###### *Acceptance of Agreement*

Any State, a member of the United Nations and any State associated with them, as well as any State which remained neutral during the present world conflict, not a signatory to this Agreement, 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.

###### *Coming into force*

The present Interim Agreement shall come into force when it has been accepted by 26 States. Thereafter it will 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 Governments represented at the International Civil Aviation Conference referred to of the date on which the present Interim Agreement comes into force, and shall likewise notify them of all acceptances of the Agreement.

IN WITNESS WHEREOF the undersigned, having been duly authorized, sign this Agreement on behalf of their respective Governments on the dates appearing opposite their 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, 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 the Government of—

(See List of Signatories—page 40.)

## APPENDIX II.—CONVENTION ON INTERNATIONAL CIVIL AVIATION

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## CONVENTION ON INTERNATIONAL CIVIL AVIATION

## PREAMBLE

WHEREAS the future development of international civil aviation can greatly help to create and preserve friendship and understanding among the nations and peoples of the world, yet its abuse can become a threat to the general security, and

WHEREAS it is desirable to avoid friction and to promote that co-operation between nations and peoples upon which the peace of the world depends,

THEREFORE, the undersigned Governments having agreed on certain principles and arrangements in order that international civil aviation may be developed in a safe and orderly manner and that international air transport services may be established on the basis of equality of opportunity and operated soundly and economically,

Have accordingly concluded this Convention to that end.

## PART I.—AIR NAVIGATION

## CHAPTER I.—GENERAL PRINCIPLES AND APPLICATION OF THE CONVENTION

*Article 1**Sovereignty*

The contracting States recognize that every State has complete and exclusive sovereignty over the airspace above its territory.

*Article 2**Territory*

For the purposes of this Convention the territory of a State shall be deemed to be the land areas and territorial waters adjacent thereto under the sovereignty, suzerainty, protection or mandate of such State.

*Article 3**Civil and State aircraft*

(a) This Convention shall be applicable only to civil aircraft, and shall not be applicable to State aircraft.

(b) Aircraft used in military, Customs, and police services shall be deemed to be State aircraft.

(c) No State aircraft of a contracting State shall fly over the territory of another State or land thereon without authorization by special agreement or otherwise, and in accordance with the terms thereof.

(d) The contracting States undertake, when issuing regulations for their State aircraft, that they will have due regard for the safety of navigation of civil aircraft.

*Article 4**Misuse of civil aviation*

Each contracting State agrees not to use civil aviation for any purpose inconsistent with the aims of this Convention.

## CHAPTER II.—FLIGHT OVER TERRITORY OF CONTRACTING STATES

*Article 5**Right of non-scheduled flight*

Each contracting State agrees that all aircraft of the other contracting States, being aircraft not engaged in scheduled international air services, shall have the right, subject to the observance of the terms of this Convention, to make flights into or in transit non-stop across its territory and to make stops for non-traffic purposes without the necessity of obtaining prior permission, and subject to the right of the State flown over to require landing. Each contracting State nevertheless reserves the right, for reasons of safety of flight, to require aircraft desiring to proceed over regions which are inaccessible or without adequate air navigation facilities to follow prescribed routes, or to obtain special permission for such flights.

Such aircraft, if engaged in the carriage of passengers, cargo, or mail for remuneration or hire on other than scheduled international air services, shall also, subject to the provisions of Article 7, have the privilege of taking on or discharging passengers, cargo, or mail, subject to the right of any State where such embarkation or discharge takes place to impose such regulations, conditions or limitations as it may consider desirable.

*Article 6**Scheduled air services*

No scheduled international air service may be operated over or into the territory of a contracting State, except with the special permission or other authorization of that State, and in accordance with the terms of such permission or authorization.

*Article 7**Cabotage*

Each contracting State shall have the right to refuse permission to the aircraft of other contracting States to take on in its territory passengers, mail, and cargo carried for remuneration or hire and destined for another point within its territory. Each contracting State undertakes not to enter into any arrangements which specifically grant any such privilege on an exclusive basis to any other State or an airline of any other State, and not to obtain any such exclusive privilege from any other State.

*Article 8**Pilotless aircraft*

No aircraft capable of being flown without a pilot shall be flown without a pilot over the territory of a contracting State without special authorization by that State and in accordance with the terms of such authorization. Each contracting State undertakes to insure that the flight of such aircraft without a pilot in regions open to civil aircraft shall be so controlled as to obviate danger to civil aircraft.



*Article 9**Prohibited areas*

(a) Each contracting State may, for reasons of military necessity or public safety, restrict or prohibit uniformly the aircraft of other States from flying over certain areas of its territory, provided that no distinction in this respect is made between the aircraft of the State whose territory is involved, engaged in international scheduled airline services, and the aircraft of the other contracting States likewise engaged. Such prohibited areas shall be of reasonable extent and location so as not to interfere unnecessarily with air navigation. Descriptions of such prohibited areas in the territory of a contracting State, as well as any subsequent alterations therein, shall be communicated as soon as possible to the other contracting States and to the International Civil Aviation Organization.

(b) Each contracting State reserves also the right, in exceptional circumstances or during a period of emergency, or in the interest of public safety, and with immediate effect, temporarily to restrict or prohibit flying over the whole or any part of its territory, on condition that such restriction or prohibition shall be applicable without distinction of nationality to aircraft of all other states.

(c) Each contracting State, under such regulations as it may prescribe, may require any aircraft entering the areas contemplated in subparagraphs (a) or (b) above to effect a landing as soon as practicable thereafter at some designated airport within its territory.

*Article 10**Landing at Customs airport*

Except in a case where, under the terms of this Convention or a special authorization, aircraft are permitted to cross the territory of a contracting State without landing, every aircraft which enters the territory of a contracting State shall, if the regulations of that State so require, land at an airport designated by that State for the purpose of Customs and other examination. On departure from the territory of a contracting State, such aircraft shall depart from a similarly designated Customs airport. Particulars of all designated Customs airports shall be published by the State and transmitted to the International Civil Aviation Organization established under Part II of this Convention for communication to all other contracting States.

*Article 11**Applicability of air regulations*

Subject to the provisions of this Convention, the laws and regulations of a contracting State 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 all contracting States without distinction as to nationality, and shall be complied with by such aircraft upon entering or departing from or while within the territory of that State.

*Article 12**Rules of the air*

Each contracting State undertakes to adopt measures to insure that every aircraft flying over or manœuvring within its territory and that every aircraft carrying its nationality mark, wherever such aircraft may be, shall comply with the rules and regulations relating to the flight and manœuvre of aircraft there in force. Each contracting State undertakes to keep its own regulations in these respects uniform, to the greatest possible extent, with those established from time to time under this Convention. Over the high seas, the rules in force shall be those established under this Convention. Each contracting State undertakes to insure the prosecution of all persons violating the regulations applicable.

*Article 13**Entry and clearance regulations*

The laws and regulations of a contracting State 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 upon entrance into or departure from, or while within the territory of that State.

*Article 14**Prevention of spread of disease*

Each contracting State agrees to take effective measures to prevent the spread by means of air navigation of cholera, typhus (epidemic), small-pox, yellow fever, plague, and such other communicable diseases as the contracting States shall from time to time decide to designate, and to that end contracting States will keep in close consultation with the agencies concerned with international regulations relating to sanitary measures applicable to aircraft. Such consultation shall be without prejudice to the application of any existing international convention on this subject to which the contracting States may be parties.

*Article 15**Airport and similar charges*

Every airport in a contracting State which is open to public use by its national aircraft shall likewise, subject to the provisions of Article 68, be open under uniform conditions to the aircraft of all the other contracting States. The like uniform conditions shall apply to the use, by aircraft of every contracting State, of all air navigation facilities, including radio and meteorological services, which may be provided for public use for the safety and expedition of air navigation.

Any charges that may be imposed or permitted to be imposed by a contracting State for the use of such airports and air navigation facilities by the aircraft of any other contracting State shall not be higher

- (a) As to aircraft not engaged in scheduled international air services, than those that would be paid by its national aircraft of the same class engaged in similar operations; and
- (b) As to aircraft engaged in scheduled international air services, than those that would be paid by its national aircraft engaged in similar international air services.

All such charges shall be published and communicated to the International Civil Aviation Organization ; 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, which shall report and make recommendations thereon for the consideration of the State or States concerned. No fees, dues, or other charges shall be imposed by any contracting State in respect solely of the right of transit over or entry into or exit from its territory of any aircraft of a contracting State or persons or property thereon.

*Article 16*

*Search of aircraft*

The appropriate authorities of each of the contracting States shall have the right, without unreasonable delay, to search aircraft of the other contracting States on landing or departure, and to inspect the certificates and other documents prescribed by this Convention.

CHAPTER III.—NATIONALITY OF AIRCRAFT

*Article 17*

*Nationality of aircraft*

Aircraft have the nationality of the State in which they are registered.

*Article 18*

*Dual registration*

An aircraft cannot be validly registered in more than one State, but its registration may be changed from one State to another.

*Article 19*

*National laws governing registration*

The registration or transfer of registration of aircraft in any contracting State shall be made in accordance with its laws and regulations.

*Article 20*

*Display of marks*

Every aircraft engaged in international air navigation shall bear its appropriate nationality and registration marks.

*Article 21*

*Report of registrations*

Each contracting State undertakes to supply to any other contracting State or to the International Civil Aviation Organization, on demand, information concerning the registration and ownership of any particular aircraft registered in that State. In addition, each contracting State shall furnish reports to the International Civil Aviation Organization, under such regulations as the latter may prescribe, giving such pertinent data as can be made available concerning the ownership and control of aircraft registered in that State and habitually engaged in international air navigation. The data thus obtained by the International Civil Aviation Organization shall be made available by it on request to the other contracting States.

CHAPTER IV.—MEASURES TO FACILITATE AIR NAVIGATION

*Article 22*

*Facilitation of formalities*

Each contracting State agrees to adopt all practicable measures, through the issuance of special regulations or otherwise, to facilitate and expedite navigation by aircraft between the territories of contracting States, and to prevent unnecessary delays to aircraft, crews, passengers and cargo, especially in the administration of the laws relating to immigration, quarantine, customs and clearance.

*Article 23*

*Customs and immigration procedures*

Each contracting State undertakes, so far as it may find practicable, to establish Customs and immigration procedures affecting international air navigation in accordance with the practices which may be established or recommended from time to time, pursuant to this Convention. Nothing in this Convention shall be construed as preventing the establishment of customs-free airports.

*Article 24*

*Customs duty*

(a) Aircraft on a flight to, from, or across the territory of another contracting State shall be admitted temporarily free of duty, subject to the Customs regulations of the State. Fuel, lubricating-oils, spare parts, regular equipment, and aircraft stores on board an aircraft of a contracting State, on arrival in the territory of another contracting State and retained on board on leaving the territory of that State, shall be exempt from Customs duty, inspection fees, or similar national or local duties and charges. This exemption shall not apply to any quantities or articles unloaded except in accordance with the Customs regulations of the State, which may require that they shall be kept under Customs supervision.

(b) Spare parts and equipment imported into the territory of a contracting State for incorporation in or use on an aircraft of another contracting State engaged in international air navigation shall be admitted free of Customs duty, subject to compliance with the regulations of the State concerned, which may provide that the articles shall be kept under Customs supervision and control.

*Article 25**Aircraft in distress*

Each contracting State undertakes to provide such measures of assistance to aircraft in distress in its territory as it may find practicable, and to permit, subject to control by its own authorities, the owners of the aircraft or authorities of the State in which the aircraft is registered to provide such measures of assistance as may be necessitated by the circumstances. Each contracting State, when undertaking search for missing aircraft, will collaborate in co-ordinated measures which may be recommended from time to time pursuant to this Convention.

*Article 26**Investigation of accidents*

In the event of an accident to an aircraft of a contracting State occurring in the territory of another contracting State, and involving death or serious injury, or indicating serious technical defect in the aircraft or air navigation facilities, the State in which the accident occurs will institute an inquiry into the circumstances of the accident, in accordance, so far as its laws permit, with the procedure which may be recommended by the International Civil Aviation Organization. The State in which the aircraft is registered shall be given the opportunity to appoint observers to be present at the inquiry and the State holding the inquiry shall communicate the report and findings in the matter to that State.

*Article 27**Exemption from seizure on patent claims*

(a) While engaged in international air navigation, any authorized entry of aircraft of a contracting State into the territory of another contracting State or authorized transit across the territory of such State with or without landings shall not entail any seizure or detention of the aircraft or any claim against the owner or operator thereof or any other interference therewith by or on behalf of such State or any person therein, on the ground that the construction, mechanism, parts, accessories, or operation of the aircraft is an infringement of any patent, design, or model duly granted or registered in the State whose territory is entered by the aircraft, it being agreed that no deposit of security in connection with the foregoing exemption from seizure or detention of the aircraft shall in any case be required in the State entered by such aircraft.

(b) The provisions of paragraph (a) of this Article shall also be applicable to the storage of spare parts and spare equipment for the aircraft and the right to use and install the same in the repair of an aircraft of a contracting State in the territory of any other contracting State, provided that any patented part or equipment so stored shall not be sold or distributed internally in or exported commercially from the contracting State entered by the aircraft.

(c) The benefits of this Article shall apply only to such States, parties to this Convention, as either (1) are parties to the International Convention for the Protection of Industrial Property\* and to any amendments thereof; or (2) have enacted patent laws which recognize and give adequate protection to inventions made by the nationals of the other States parties to this Convention.

*Article 28**Air navigation facilities and standard systems*

Each contracting State undertakes, so far as it may find practicable, to—

- (a) Provide, in its territory, airports, radio services, meteorological services, and other air navigation facilities to facilitate international air navigation, in accordance with the standards and practices recommended or established from time to time, pursuant to this Convention;
- (b) Adopt and put into operation the appropriate standard systems of communications procedure, codes, markings, signals, lighting, and other operational practices and rules which may be recommended or established from time to time, pursuant to this Convention;
- (c) Collaborate in international measures to secure the publication of aeronautical maps and charts in accordance with standards which may be recommended or established from time to time, pursuant to this Convention.

## CHAPTER V. -- CONDITIONS TO BE FULFILLED WITH RESPECT TO AIRCRAFT

*Article 29**Documents carried in aircraft*

Every aircraft of a contracting State, engaged in international navigation, shall carry the following documents in conformity with the conditions prescribed in this Convention:—

- (a) Its certificate of registration;
- (b) Its certificate of airworthiness;
- (c) The appropriate licenses for each member of the crew;
- (d) Its journey log-book;
- (e) If it is equipped with radio apparatus, the aircraft radio station license;
- (f) If it carries passengers, a list of their names and places of embarkation and destination;
- (g) If it carries cargo, a manifest and detailed declarations of the cargo.

*Article 30**Aircraft radio equipment*

(a) Aircraft of each contracting State may, in or over the territory of other contracting States, carry radio transmitting apparatus only if a license to install and operate such apparatus has been issued by the appropriate authorities of the State in which the aircraft is registered. The use of radio transmitting apparatus in the territory of the contracting State whose territory is flown over shall be in accordance with the regulations prescribed by that State.

\* "Treaty Series No. 55 (1938)," Cmd. 5833.

(b) Radio transmitting apparatus may be used only by members of the flight crew who are provided with a special license for the purpose, issued by the appropriate authorities of the State in which the aircraft is registered.

*Article 31*

*Certificates of airworthiness*

Every aircraft engaged in international navigation shall be provided with a certificate of airworthiness issued or rendered valid by the State in which it is registered.

*Article 32*

*Licenses of personnel*

(a) The pilot of every aircraft and the other members of the operating crew of every aircraft engaged in international navigation shall be provided with certificates of competency and licenses issued or rendered valid by the State in which the aircraft is registered.

(b) Each contracting State reserves the right to refuse to recognize, for the purpose of flight above its own territory, certificates of competency and licenses granted to any of its nationals by another contracting State.

*Article 33*

*Recognition of certificates and licenses*

Certificates of airworthiness and certificates of competency and licenses issued or rendered valid by the contracting State in which the aircraft is registered shall be recognized as valid by the other contracting States, 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 from time to time pursuant to this Convention.

*Article 34*

*Journey log-books*

There shall be maintained in respect of every aircraft engaged in international navigation a journey log-book, in which shall be entered particulars of the aircraft, its crew, and of each journey, in such form as may be prescribed from time to time pursuant to this Convention.

*Article 35*

*Cargo restrictions*

(a) No munitions of war or implements of war may be carried in or above the territory of a State in aircraft engaged in international navigation, except by permission of such State. Each State shall determine by regulations what constitutes munitions of war or implements of war for the purposes of this Article, giving due consideration, for the purposes of uniformity, to such recommendations as the International Civil Aviation Organization may from time to time make.

(b) Each contracting State reserves the right, for reasons of public order and safety, to regulate or prohibit the carriage in or above its territory of articles other than those enumerated in paragraph (a); provided that no distinction is made in this respect between its national aircraft engaged in international navigation and the aircraft of other States so engaged; and provided further that no restriction shall be imposed which may interfere with the carriage and use on aircraft of apparatus necessary for the operation or navigation of the aircraft or the safety of the personnel or passengers.

*Article 36*

*Photographic apparatus*

Each contracting State may prohibit or regulate the use of photographic apparatus in aircraft over its territory.

CHAPTER VI.—INTERNATIONAL STANDARDS AND RECOMMENDED PRACTICES

*Article 37*

*Adoption of international standards and procedures*

Each contracting State undertakes to collaborate in securing the highest practicable degree of uniformity in regulations, standards, procedures, and organization in relation to aircraft, personnel, airways, and auxiliary services in all matters in which such uniformity will facilitate and improve air navigation.

To this end the International Civil Aviation Organization shall adopt and amend from time to time, as may be necessary, international standards and recommended practices and procedures dealing with—

- (a) Communications systems and air navigation aids, including ground marking :
- (b) Characteristics of airports and landing areas :
- (c) Rules of the air and air traffic control practices :
- (d) Licensing of operating and mechanical personnel :
- (e) Airworthiness of aircraft :
- (f) Registration and identification of aircraft :
- (g) Collection and exchange of meteorological information :
- (h) Log-books :
- (i) Aeronautical maps and charts :
- (j) Customs and immigration procedures :
- (k) Aircraft in distress and investigation of accidents :

and such other matters concerned with the safety, regularity, and efficiency of air navigation as may from time to time appear appropriate.

*Article 38**Departures from international standards and procedures*

Any State which finds it impracticable to comply in all respects with any such international standard or procedure, or to bring its own regulations or practices into full accord with any international standard or procedure after amendment of the latter, or which deems it necessary to adopt regulations or practices differing in any particular respect from those established by an international standard, shall give immediate notification to the International Civil Aviation Organization of the differences between its own practice and that established by the international standard. In the case of amendments to international standards, any State which does not make the appropriate amendments to its own regulations or practices shall give notice to the Council within 60 days of the adoption of the amendment to the international standard, or indicate the action which it proposes to take. In any such case, the Council shall make immediate notification to all other States of the difference which exists between one or more features of an international standard and the corresponding national practice of that State.

*Article 39**Endorsement of certificates of licenses*

(a) Any aircraft or part thereof with respect to which there exists an international standard of airworthiness or performance, and which failed in any respect to satisfy that standard at the time of its certification, shall have endorsed on or attached to its airworthiness certificate a complete enumeration of the details in respect of which it so failed.

(b) Any person holding a license who does not satisfy in full the conditions laid down in the international standard relating to the class of license or certificate which he holds shall have endorsed on or attached to his license a complete enumeration of the particulars in which he does not satisfy such conditions.

*Article 40**Validity of endorsed certificates and licenses*

No aircraft or personnel having certificates or licenses so endorsed shall participate in international navigation, except with the permission of the State or States whose territory is entered. The registration or use of any such aircraft, or of any certificated aircraft part, in any State other than that in which it was originally certificated shall be at the discretion of the State into which the aircraft or part is imported.

*Article 41**Recognition of existing standards of airworthiness*

The provisions of this Chapter shall not apply to aircraft and aircraft equipment of types of which the prototype is submitted to the appropriate national authorities for certification prior to a date three years after the date of adoption of an international standard of airworthiness for such equipment.

*Article 42**Recognition of existing standards of competency of personnel*

The provisions of this Chapter shall not apply to personnel whose licenses are originally issued prior to a date one year after initial adoption of an international standard of qualification for such personnel; but they shall in any case apply to all personnel whose licenses remain valid five years after the date of adoption of such standard.

## PART II. THE INTERNATIONAL CIVIL AVIATION ORGANIZATION

## CHAPTER VII.—THE ORGANIZATION

*Article 43**Name and composition*

An organization to be named "The International Civil Aviation Organization" is formed by the Convention. It is made up of an Assembly, a Council, and such other bodies as may be necessary.

*Article 44**Objectives*

The aims and objectives of the Organization are to develop the principles and techniques of international air navigation and to foster the planning and development of international air transport so as to—

- (a) Ensure the safe and orderly growth of international civil aviation throughout the world;
- (b) Encourage the arts of aircraft design and operation for peaceful purposes;
- (c) Encourage the development of airways, airports, and air navigation facilities for international civil aviation;
- (d) Meet the needs of the peoples of the world for safe, regular, efficient, and economical air transport;
- (e) Prevent economic waste caused by unreasonable competition;
- (f) Ensure that the rights of contracting States are fully respected and that every contracting State has a fair opportunity to operate international airlines;
- (g) Avoid discrimination between contracting States;
- (h) Promote safety of flight in international air navigation;
- (i) Promote generally the development of all aspects of international civil aeronautics.

*Article 45*

The permanent seat of the Organization shall be at such place as shall be determined at the final meeting of the Interim Assembly of the Provisional International Civil Aviation Organization set up by the Interim Agreement on International Civil Aviation signed at Chicago on December 7, 1944. The seat may be temporarily transferred elsewhere by decision of the Council.

*Article 46**First meeting of Assembly*

The first meeting of the Assembly shall be summoned by the Interim Council of the above-mentioned Provisional Organization as soon as the Convention has come into force, to meet at a time and place to be decided by the Interim Council.

*Article 47**Legal capacity*

The Organization shall enjoy in the territory of each contracting State such legal capacity as may be necessary for the performance of its functions. Full juridical personality shall be granted wherever compatible with the constitution and laws of the State concerned.

## CHAPTER VIII.—THE ASSEMBLY

*Article 48**Meetings of Assembly and voting*

(a) The Assembly shall meet annually and shall be convened by the Council at a suitable time and place. Extraordinary meetings of the Assembly may be held at any time upon the call of the Council or at the request of any ten contracting States addressed to the Secretary-General.

(b) All contracting States shall have an equal right to be represented at the meetings of the Assembly, and each contracting State shall be entitled to one vote. Delegates representing contracting States may be assisted by technical advisers who may participate in the meetings but shall have no vote.

(c) A majority of the contracting States is required to constitute a quorum for the meetings of the Assembly. Unless otherwise provided in this Convention, decisions of the Assembly shall be taken by a majority of the votes cast.

*Article 49**Powers and duties of Assembly*

The powers and duties of the Assembly shall be to—

- (a) Elect at each meeting its President and other officers;
- (b) Elect the contracting States to be represented on the Council, in accordance with the provisions of Chapter IX;
- (c) Examine and take appropriate action on the reports of the Council and decide on any matter referred to it by the Council;
- (d) Determine its own rules of procedure and establish such subsidiary commissions as it may consider to be necessary or desirable;
- (e) Vote an annual budget and determine the financial arrangements of the Organization, in accordance with the provisions of Chapter XII;
- (f) Review expenditures and approve the accounts of the Organization;
- (g) Refer, at its discretion, to the Council, to subsidiary commissions, or to any other body any matter within its sphere of action;
- (h) Delegate to the Council the powers and authority necessary or desirable for the discharge of the duties of the Organization and revoke or modify the delegations of authority at any time;
- (i) Carry out the appropriate provisions of Chapter XIII;
- (j) Consider proposals for the modification or amendment of the provisions of this Convention and, if it approves of the proposals, recommend them to the contracting States in accordance with the provisions of Chapter XXI;
- (k) Deal with any matter within the sphere of action of the Organization not specifically assigned to the Council.

## CHAPTER IX.—THE COUNCIL

*Article 50**Composition and election of Council*

(a) The Council shall be a permanent body responsible to the Assembly. It shall be composed of 21 contracting States elected by the Assembly. An election shall be held at the first meeting of the Assembly and thereafter every three years, and the members of the Council so elected shall hold office until the next following election.

(b) In electing the members of the Council, the Assembly shall give adequate representation to (1) the States of chief importance in air transport; (2) the States not otherwise included which make the largest contribution to the provision of facilities for international civil air navigation; and (3) the States not otherwise included whose designation will ensure that all the major geographic areas of the world are represented on the Council. Any vacancy on the Council shall be filled by the Assembly as soon as possible; any contracting State so elected to the Council shall hold office for the unexpired portion of its predecessor's term of office.

(c) No representative of a contracting State on the Council shall be actively associated with the operation of an international air service or financially interested in such a service.

*Article 51**President of Council*

The Council shall elect its President for a term of three years. He may be re-elected. He shall have no vote. The Council shall elect from among its members one or more Vice-Presidents who shall retain their right to vote when serving as Acting-President. The President need not be selected from among the representatives of the members of the Council, but, if a representative is elected, his seat shall be deemed vacant and it shall be filled by the State which he represented. The duties of the President shall be to—

- (a) Convene meetings of the Council, the Air Transport Committee, and the Air Navigation Commission;
- (b) Serve as representative of the Council; and
- (c) Carry out on behalf of the Council the functions which the Council assigns to him.

*Article 52**Voting in Council*

Decisions by the Council shall require approval by a majority of its members. The Council may delegate authority with respect to any particular matter to a committee of its members. Decisions of any committee of the Council may be appealed to the Council by any interested contracting State.

*Article 53**Participation without a vote*

Any contracting State may participate, without a vote, in the consideration by the Council and by its committees and commissions of any question which especially affects its interests. No member of the Council shall vote in the consideration by the Council of a dispute to which it is a party.

*Article 54**Mandatory functions of Council*

The Council shall—

- (a) Submit annual reports to the Assembly :
- (b) Carry out the directions of the Assembly and discharge the duties and obligations which are laid on it by this Convention :
- (c) Determine its organization and rules of procedure :
- (d) Appoint and define the duties of an Air Transport Committee, which shall be chosen from among the representatives of the members of the Council, and which shall be responsible to it :
- (e) Establish an Air Navigation Commission, in accordance with the provisions of Chapter X :
- (f) Administer the finances of the Organization in accordance with the provisions of Chapters XII and XV :
- (g) Determine the emoluments of the President of the Council :
- (h) Appoint a chief executive officer, who shall be called the Secretary-General, and make provision for the appointment of such other personnel as may be necessary, in accordance with the provisions of Chapter XI :
- (i) Request, collect, examine, and publish information relating to the advancement of air navigation and the operation of international air services, including information about the costs of operation and particulars of subsidies paid to airlines from public funds :
- (j) Report to contracting States any infraction of this Convention, as well as any failure to carry out recommendations or determinations of the Council :
- (k) Report to the Assembly any infraction of this Convention where a contracting State has failed to take appropriate action within a reasonable time after notice of the infraction :
- (l) Adopt, in accordance with the provisions of Chapter VI of this Convention, international standards and recommended practices ; for convenience designate them as Annexes to this Convention ; and notify all contracting States of the action taken :
- (m) Consider recommendations of the Air Navigation Commission for amendment of the Annexes and take action in accordance with the provisions of Chapter XX :
- (n) Consider any matter relating to the Convention which any contracting State refers to it.

*Article 55**Permissive functions of Council*

The Council may—

- (a) Where appropriate and as experience may show to be desirable, create subordinate air transport commissions on a regional or other basis and define groups of States or airlines with or through which it may deal to facilitate the carrying-out of the aims of this Convention :
- (b) Delegate to the Air Navigation Commission duties additional to those set forth in the Convention, and revoke or modify such delegations of authority at any time :
- (c) Conduct research into all aspects of air transport and air navigation which are of international importance, communicate the results of its research to the contracting States, and facilitate the exchange of information between contracting States on air transport and air navigation matters :
- (d) Study any matters affecting the organization and operation of international air transport, including the international ownership and operation of international air services on trunk routes ; and submit to the Assembly plans in relation thereto :
- (e) Investigate, at the request of any contracting State, any situation which may appear to present avoidable obstacles to the development of international air navigation ; and, after such investigation, issue such reports as may appear to it desirable.

## CHAPTER X.—THE AIR NAVIGATION COMMISSION

*Article 56**Nomination and appointment of Commission*

The Air Navigation Commission shall be composed of twelve members appointed by the Council from among persons nominated by contracting States. These persons shall have suitable qualifications and experience in the science and practice of aeronautics. The Council shall request all contracting States to submit nominations. The President of the Air Navigation Commission shall be appointed by the Council.

*Article 57**Duties of Commission*

The Air Navigation Commission shall

- (a) Consider, and recommend to the Council for adoption, modifications of the Annexes to this Convention :

- (b) Establish technical sub-commissions on which any contracting State may be represented, if it so desires :
- (c) Advise the Council concerning the collection and communication to the contracting States of all information which it considers necessary and useful for the advancement of air navigation.

## CHAPTER XI.—PERSONNEL

*Article 58**Appointment of personnel*

Subject to any rules laid down by the Assembly and to the provisions of this Convention, the Council shall determine the method of appointment and of termination of appointment, the training and the salaries, allowances, and conditions of service of the Secretary-General and other personnel of the Organization, and may employ or make use of the services of nationals of any contracting State.

*Article 59**International character of personnel*

The President of the Council, the Secretary-General, and other personnel shall not seek or receive instructions in regard to the discharge of their responsibilities from any authority external to the Organization. Each contracting State undertakes fully to respect the international character of the responsibilities of the personnel and not to seek to influence any of its nationals in the discharge of their responsibilities.

*Article 60**Immunities and privileges of personnel*

Each contracting State undertakes, so far as possible under its constitutional procedure, to accord to the President of the Council, the Secretary-General, and the other personnel of the Organization, the immunities and privileges which are accorded to corresponding personnel of other public international organizations. If a general international agreement on the immunities and privileges of international civil servants is arrived at, the immunities and privileges accorded to the President, the Secretary-General, and the other personnel of the Organization shall be the immunities and privileges accorded under that general international agreement.

## CHAPTER XII.—FINANCE

*Article 61**Budget and apportionment of expenses*

The Council shall submit to the Assembly an annual budget, annual statements of accounts and estimates of all receipts and expenditures. The Assembly shall vote the budget with whatever modification it sees fit to prescribe, and, with the exception of assessments under Chapter XV to States consenting thereto, shall apportion the expenses of the Organization among the contracting States on the basis which it shall from time to time determine.

*Article 62**Suspension of voting-power*

The Assembly may suspend the voting-power in the Assembly and in the Council of any contracting State that fails to discharge within a reasonable period its financial obligations to the Organization.

*Article 63**Expenses of delegations and other representatives*

Each contracting State shall bear the expenses of its own delegation to the Assembly, and the remuneration, travel, and other expenses of any person whom it appoints to serve on the Council, and of its nominees or representatives on any subsidiary committees or commissions of the Organization.

## CHAPTER XIII.—OTHER INTERNATIONAL ARRANGEMENTS

*Article 64**Security arrangements*

The Organization may, with respect to air matters within its competence directly affecting world security, by vote of the Assembly, enter into appropriate arrangements with any general organization set up by the nations of the world to preserve peace.

*Article 65**Arrangements with other international bodies*

The Council, on behalf of the Organization, may enter into agreements with other international bodies for the maintenance of common services and for common arrangements concerning personnel and, with the approval of the Assembly, may enter into such other arrangements as may facilitate the work of the Organization.

*Article 66**Functions relating to other agreements*

(a) The Organization shall also carry out the functions placed upon it by the International Air Services Transit Agreement and by the International Air Transport Agreement drawn up at Chicago on December 7, 1944, in accordance with the terms and conditions therein set forth.

(b) Members of the Assembly and the Council who have not accepted the International Air Services Transit Agreement or the International Air Transport Agreement drawn up at Chicago on December 7, 1944, shall not have the right to vote on any questions referred to the Assembly or Council under the provisions of the relevant Agreement.



## PART III.—INTERNATIONAL AIR TRANSPORT

## CHAPTER XIV.—INFORMATION AND REPORTS

*Article 67**File reports with Council*

Each contracting State undertakes that its international airlines shall, in accordance with requirements laid down by the Council, file with the Council traffic reports, cost statistics and financial statements showing among other things all receipts and the sources thereof.

## CHAPTER XV.—AIRPORTS AND OTHER AIR NAVIGATION FACILITIES

*Article 68**Designation of routes and airports*

Each contracting State may, subject to the provisions of this Convention, designate the route to be followed within its territory by any international air service and the airports which any such service may use.

*Article 69**Improvement of air navigation facilities*

If the Council is of the opinion that the airports or other air navigation facilities, including radio and meteorological services, of a contracting State are not reasonably adequate for the safe, regular, efficient, and economical operation of international air services, present or contemplated, the Council shall consult with the State directly concerned, and other States affected, with a view to finding means by which the situation may be remedied, and may make recommendations for that purpose. No contracting State shall be guilty of an infraction of this Convention if it fails to carry out these recommendations.

*Article 70**Financing of air navigation facilities*

A contracting State, in the circumstances arising under the provisions of Article 69, may conclude an arrangement with the Council for giving effect to such recommendations. The State may elect to bear all of the costs involved in any such arrangement. If the State does not so elect, the Council may agree, at the request of the State, to provide for all or a portion of the costs.

*Article 71**Provision and maintenance of facilities by Council*

If a contracting State so requests, the Council may agree to provide, man, maintain, and administer any or all of the airports and other air navigation facilities, including radio and meteorological services, required in its territory for the safe, regular, efficient, and economical operation of the international air services of the other contracting States, and may specify just and reasonable charges for the use of the facilities provided.

*Article 72**Acquisition or use of land*

Where land is needed for facilities financed in whole or in part by the Council at the request of a contracting State, that State shall either provide the land itself, retaining title if it wishes, or facilitate the use of the land by the Council on just and reasonable terms and in accordance with the laws of the State concerned.

*Article 73**Expenditure and assessment of funds*

Within the limit of the funds which may be made available to it by the Assembly under Chapter XII, the Council may make current expenditures for the purposes of this Chapter from the general funds of the Organization. The Council shall assess the capital funds required for the purposes of this Chapter in previously agreed proportions over a reasonable period of time to the contracting States consenting thereto whose airlines use the facilities. The Council may also assess to States that consent any working funds that are required.

*Article 74**Technical assistance and utilization of revenues*

When the council, at the request of a contracting State, advances funds or provides airports or other facilities in whole or in part, the arrangement may provide, with the consent of that State, for technical assistance in the supervision and operation of the airports and other facilities, and for the payment, from the revenues derived from the operation of the airports and other facilities, of the operating expenses of the airports and the other facilities, and of interest and amortization charges.

*Article 75**Taking over of facilities from Council*

A contracting State may at any time discharge any obligation into which it has entered under Article 70, and take over airports and other facilities which the Council has provided in its territory pursuant to the provisions of Articles 71 and 72, by paying to the Council an amount which in the opinion of the Council is reasonable in the circumstances. If the State considers that the amount fixed by the Council is unreasonable it may appeal to the Assembly against the decision of the Council, and the Assembly may confirm or amend the decision of the Council.

*Article 76**Return of funds*

Funds obtained by the Council through reimbursement under Article 75 and from receipts of interest and amortization payments under Article 74 shall, in the case of advances originally financed by States under Article 73, be returned to the States which were originally assessed in the proportion of their assessments, as determined by the Council.

## CHAPTER XVI.—JOINT OPERATING ORGANIZATIONS AND POOLED SERVICES

*Article 77**Joint operating organizations permitted*

Nothing in this Convention shall prevent two or more contracting States from constituting joint air transport operating organizations or international operating agencies and from pooling their air services on any routes or in any regions, but such organizations or agencies and such pooled services shall be subject to all the provisions of this convention, including those relating to the registration of agreements with the Council. The Council shall determine in what manner the provisions of this Convention relating to nationality of aircraft shall apply to aircraft operated by international operating agencies.

*Article 78**Function of Council*

The Council may suggest to contracting States concerned that they form joint organizations to operate air services on any routes or in any regions.

*Article 79**Participation in operating organizations*

A State may participate in joint operating organizations or in pooling arrangements, either through its Government or through an airline company or companies designated by its Government. The companies may, at the sole discretion of the State concerned, be state-owned or partly state-owned or privately-owned.

## PART IV.—FINAL PROVISIONS

## CHAPTER XVII.—OTHER AERONAUTICAL AGREEMENTS AND ARRANGEMENTS

*Article 80**Paris and Habana Conventions*

Each contracting State undertakes, immediately upon the coming into force of this Convention, to give notice of denunciation of the Convention relating to the Regulation of Aerial Navigation signed at Paris on October 13, 1919\*, or the Convention on Commercial Aviation signed at Habana on February 20, 1928†, if it is a party to either. As between contracting States, this Convention supersedes the Conventions of Paris and Habana previously referred to.

*Article 81**Registration of existing agreements*

All aeronautical agreements which are in existence on the coming into force of this Convention, and which are between a contracting State and any other State or between an airline of a contracting State and any other State or the airline of any other State, shall be forthwith registered with the Council.

*Article 82**Abrogation of inconsistent arrangements*

The contracting States accept this Convention as abrogating all obligations and understandings between them which are inconsistent with its terms, and undertake not to enter into any such obligations and understandings. A contracting State which, before becoming a member of the Organization has undertaken any obligations toward a non-contracting State or a national of a contracting State or of a non-contracting State inconsistent with the terms of this Convention, shall take immediate steps to procure its release from the obligations. If an airline of any contracting State has entered into any such inconsistent obligations, the State of which it is a national shall use its best efforts to secure their termination forthwith and shall in any event cause them to be terminated as soon as such action can lawfully be taken after the coming into force of this Convention.

*Article 83**Registration of new arrangements*

Subject to the provisions of the preceding Article, any contracting State may make arrangements not inconsistent with the provisions of this Convention. Any such arrangement shall be forthwith registered with the Council, which shall make it public as soon as possible.

## CHAPTER XVIII.—DISPUTES AND DEFAULT

*Article 84**Settlement of disputes*

If any disagreement between two or more contracting States relating to the interpretation or application of this Convention and its annexes cannot be settled by negotiation, it shall, on the application of any State concerned in the disagreement, be decided by the Council. No member of the Council shall vote in the consideration by the Council of any dispute to which it is a party. Any contracting State may, subject to Article 85, appeal from the decision of the Council to an *ad hoc* arbitral tribunal agreed upon with the other parties to the dispute or to the Permanent Court of International Justice. Any such appeal shall be notified to the Council within sixty days of receipt of notification of the decision of the Council.

*Article 85**Arbitration procedure*

If any contracting State party to a dispute in which the decision of the Council is under appeal has not accepted the Statute of the Permanent Court of International Justice and the contracting

\* "Treaty Series No. 2 (1922)," Cmd. 1609.

† "League of Nations Treaty Series" No. 2963.

States parties to the dispute cannot agree on the choice of the arbitral tribunal, each of the contracting States parties to the dispute shall name a single arbitrator, who shall name an umpire. If either contracting State party to the dispute fails to name an arbitrator within a period of three months from the date of the appeal, an arbitrator shall be named on behalf of that State by the President of the Council from a list of qualified and available persons maintained by the Council. If, within 30 days, the arbitrators cannot agree on an umpire, the President of the Council shall designate an umpire from the list previously referred to. The arbitrators and the umpire shall then jointly constitute an arbitral tribunal. Any arbitral tribunal established under this or the preceding Article shall settle its own procedure and give its decisions by majority vote, provided that the Council may determine procedural questions in the event of any delay which in the opinion of the Council is excessive.

*Article 86*

*Appeals*

Unless the Council decides otherwise, any decision by the Council on whether an international airline is operating in conformity with the provisions of this Convention shall remain in effect unless reversed on appeal. On any other matter, decisions of the Council shall, if appealed from, be suspended until the appeal is decided. The decisions of the Permanent Court of International Justice and of an arbitral tribunal shall be final and binding.

*Article 87*

*Penalty for non-conformity by airline*

Each contracting State undertakes not to allow the operation of an airline of a contracting State through the air space above its territory if the Council has decided that the airline concerned is not conforming to a final decision rendered in accordance with the previous Article.

*Article 88*

*Penalty for non-conformity by State*

The Assembly shall suspend the voting-power in the Assembly and in the Council of any contracting State that is found in default under the provisions of this Chapter.

CHAPTER XIX.—WAR

*Article 89*

*War and emergency conditions*

In case of war, the provisions of this Convention shall not affect the freedom of action of any of the contracting States affected, whether as belligerents or as neutrals. The same principle shall apply in the case of any contracting State which declares a state of national emergency and notifies the fact to the Council.

CHAPTER XX.—ANNEXES

*Article 90*

*Adoption and Amendment of Annexes*

(a) The adoption by the Council of the Annexes described in Article 51, subparagraph (1), shall require the vote of two-thirds of the Council at a meeting called for that purpose, and shall then be submitted by the Council to each contracting State. Any such Annex or any amendment of an Annex shall become effective within three months after its submission to the contracting States or at the end of such longer period of time as the Council may prescribe, unless in the meantime a majority of the contracting States register their disapproval with the Council.

(b) The Council shall immediately notify all contracting States of the coming into force of any Annex or amendment thereto.

CHAPTER XXI.—RATIFICATIONS, ADHERENCES, AMENDMENTS, AND DENUNCIATIONS

*Article 91*

*Ratification of Convention*

(a) This Convention shall be subject to ratification by the signatory States. The instruments of ratification shall be deposited in the archives of the Government of the United States of America, which shall give notice of the date of the deposit to each of the signatory and adhering States.

(b) As soon as this Convention has been ratified or adhered to by twenty-six States it shall come into force between them on the thirtieth day after deposit of the twenty-sixth instrument. It shall come into force for each State ratifying thereafter on the thirtieth day after the deposit of its instrument of ratification.

(c) It shall be the duty of the Government of the United States of America to notify the Government of each of the signatory and adhering States of the date on which this Convention comes into force.

*Article 92*

*Adherence to Convention*

(a) This Convention shall be open for adherence by members of the United Nations and States associated with them, and States which remained neutral during the present world conflict.

(b) Adherence shall be effected by a notification addressed to the Government of the United States of America and shall take effect as from the thirtieth day from the receipt of the notification by the Government of the United States of America, which shall notify all the contracting States.

*Article 93*

*Admission of other States*

States other than those provided for in Articles 91 and 92 (a) may, subject to approval by any general international organization set up by the nations of the world to preserve peace, be admitted

to participation in this Convention by means of a four-fifths vote of the Assembly and on such conditions as the Assembly may prescribe; provided that in each case the assent of any State invaded or attacked during the present war by the State seeking admission shall be necessary.

#### *Article 94*

##### *Amendment of Convention*

(a) Any proposed amendment to this Convention must be approved by a two-thirds vote of the Assembly and shall then come into force in respect of States which have ratified such amendment when ratified by the number of contracting States specified by the Assembly. The number so specified shall not be less than two-thirds of the total number of contracting States.

(b) If in its opinion the amendment is of such a nature as to justify this course, the Assembly in its resolution recommending adoption may provide that any State which has not ratified within a specified period after the amendment has come into force shall thereupon cease to be a member of the Organization and a party to the Convention.

#### *Article 95*

##### *Denunciation of Convention*

(a) Any contracting State may give notice of denunciation of this Convention three years after its coming into effect by notification addressed to the Government of the United States of America, which shall at once inform each of the contracting States.

(b) Denunciation shall take effect one year from the date of the receipt of the notification and shall operate only as regards the State effecting the denunciation.

### CHAPTER XXII.—DEFINITIONS

#### *Article 96*

For the purpose of this Convention the expression—

- (a) "Air Service" means any scheduled air service performed by aircraft for the public transport of passengers, mail or cargo:
- (b) "International air service" means an air service which passes through the air space over the territory of more than one State:
- (c) "Airliner" means any air transport enterprise offering or operating an international air service:
- (d) "Stop for non-traffic purposes" means a landing for any purpose other than taking on or discharging passengers, cargo, or mail.

### SIGNATURE OF CONVENTION

In witness whereof the undersigned Plenipotentiaries, having been duly authorized, sign this Convention on behalf of their respective Governments on the dates appearing opposite their signatures.

DONE at Chicago the 7th 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 or adhere to this Convention.

FOR THE GOVERNMENT OF—

(See List of Signatories—page 40.)

### APPENDIX III.—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 and, when it comes into force, with the provisions of the Convention 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 requirements 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 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, 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 or accept this Agreement.

(See List of Signatories—page 40.)

## APPENDIX IV.—INTERNATIONAL AIR TRANSPORT AGREEMENT

The States which sign and accept this International Air Transport 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 :
- (3) The privilege to put down passengers, mail, and cargo taken on in the territory of the State whose nationality the aircraft possesses :
- (4) The privilege to take on passengers, mail, and cargo destined for the territory of the State whose nationality the aircraft possesses :
- (5) The privilege to take on passengers, mail, and cargo destined for the territory of any other contracting State, and the privilege to put down passengers, mail, and cargo coming from any such territory.

With respect to the privileges specified under paragraphs (3), (4), and (5) of this Section, the undertaking of each contracting State relates only to through services on a route constituting a reasonably direct line out from and back to the homeland of the State whose nationality the aircraft possesses.

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 and, when it comes into force, with the provisions of the Convention 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 any contracting State.

#### Section 4

Each contracting State shall have the right to refuse permission to the aircraft of other contracting States to take on in its territory passengers, mail, and cargo carried for remuneration or hire and destined for another point within its territory. Each contracting State undertakes not to enter into any arrangements which specifically grant any such privilege on an exclusive basis to any other State or an airline of any other State, and not to obtain any such exclusive privilege from any other State.

#### Section 5

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 6

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

The contracting States accept this Agreement as abrogating all obligations and understandings between them which are inconsistent with its terms, and undertake not to enter into any such obligations and understandings. A contracting State which has undertaken any other obligations inconsistent with this Agreement shall take immediate steps to procure its release from the obligations. If an airline of any contracting State has entered into any such inconsistent obligations, the State of which it is a national shall use its best efforts to secure their termination forthwith and shall in any event cause them to be terminated as soon as such action can lawfully be taken after the coming into force of this Agreement.

## Section 2

Subject to the provisions of the preceding Section, any contracting State may make arrangements concerning international air services not inconsistent with this Agreement. Any such arrangement shall be forthwith registered with the Council; which shall make it public as soon as possible.

*Article III*

Each contracting State undertakes that in the establishment and operation of through services due consideration shall be given to the interests of the other contracting States so as not to interfere unduly with their regional services or to hamper the development of their through services.

*Article IV*

## Section 1

Any contracting State may by reservation attached to this Agreement at the time of signature or acceptance elect not to grant and receive the rights and obligations of Article I, Section 1, paragraph (5), and may at any time after acceptance, on six months' notice given by it to the Council, withdraw itself from such rights and obligations. Such contracting State may on six months' notice to the Council assume or resume, as the case may be, such rights and obligations. No contracting State shall be obliged to grant any right under the said paragraph to any contracting State not bound thereby.

## Section 2

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 3

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 V*

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 VI*

Pending the coming into force of the above-mentioned Convention, all references to it herein other than those contained in Article IV, Section 3, and Article VII 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 the Interim Council respectively.

*Article VII*

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

*Article VIII*

## 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 date 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, 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 or accept this Agreement.

(See List of Signatories—page 40.)

## LIST OF SIGNATORIES

Country.	Final Act.	Interim Agreement.	Convention.	International Air Services Transit Agreement.	International Air Transport Agreement.
Afghanistan .. .. .	x	x	x	x	x
Australia .. .. .	x	x	x		
Belgium .. .. .	x				
Bolivia .. .. .	x	x	x	x	x
Brazil .. .. .	x				
Canada .. .. .	x	x	x	x	
Chile .. .. .	x	x	x	x	
China .. .. .	x	x	x		x
Colombia .. .. .	x				
Costa Rica .. .. .	x	x	x	x	x
Cuba .. .. .	x				
Czechoslovakia .. .. .	x				
Dominican Republic .. .. .	x	x	x		x
Ecuador .. .. .	x	x	x	x	x
Egypt .. .. .	x	x	x	x	
El Salvador .. .. .	x				
Ethiopia .. .. .	x				
France .. .. .	x	x	x	x	
Greece .. .. .	x	x	x	x	
Guatemala .. .. .	x	x	x	x	x
Haiti .. .. .	x	x	x	x	x
Honduras .. .. .	x	x	x	x	x
Iceland .. .. .	x	x	x		
India .. .. .	x	x	x	x	
Iran .. .. .	x	x	x	x	
Iraq .. .. .	x	x	x	x	
Ireland .. .. .	x	x	x		
Lebanon .. .. .	x	x	x	x	x (*)
Liberia .. .. .	x	x	x	x	x
Luxembourg .. .. .	x				
Mexico .. .. .	x	x	x	x	x
Netherlands .. .. .	x	x	x	x	x (†)
New Zealand .. .. .	x	x	x	x	
Nicaragua .. .. .	x	x	x	x	x
Norway .. .. .	x	x	x	x	
Panama .. .. .	x				
Paraguay .. .. .	x				
Peru .. .. .	x	x	x	x	x
Philippine Commonwealth .. .. .	x	x	x	x	
Poland .. .. .	x	x	x	x	
Portugal .. .. .	x	x	x		
Spain .. .. .	x	x	x	x	
Sweden .. .. .	x	x	x	x	x
Switzerland .. .. .	x	x			
Syria .. .. .	x	x	x		
Turkey .. .. .	x	x	x	x	x (†)
Union of South Africa .. .. .	x				
United Kingdom .. .. .	x	x	x	x	
United States of America .. .. .	x	x	x	x	x
Uruguay .. .. .	x	x	x	x	x
Venezuela .. .. .	x	x (*)		x (*)	x (*)
Yugoslavia .. .. .	x				
	52	40	38	32	20
Danish Minister .. .. .	x	x	x	x	x
Thai Minister .. .. .	x	x	x	x	x
	54	42	40	34	22

(\*) Ad referendum.

(†) With reservation.