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By NARA Date 2/28/76

SUBJECT OR FILE NO. 711.92272/2-2847 | DATE DUE 3/4/53
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CHARGE TO | OFFICE SYMBOL RA
DS-933a (9-1-51) (Signature) DEPARTMENT OF STATE

711.92272/2-2847

SUBJECT: Siamese Agreement.

Each case will differ and must be decided on circumstances involved. In general I think carefully worded route naming some specific points is desirable to establish limitation on interpretation of "direct."

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1. Believe we should seek revision to specify key intermediate points. In view of Japan situation and security in Aleutians and Alaska, foreign flights over this route should be as restricted as possible. Might also avoid embarrassing Canadians re fifth freedom.

2. I'll bet POA wants Siam to retain right to fly Aleutian route and that revision excluding same will not be easy.

E. A. L.

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

ARTICLE 2

Each of the air services so described shall be placed in operation as soon as the contracting party to whom the rights have been granted by Article 1 to designate an airline or airlines for the route concerned has authorized an airline for such route, and the contracting party granting the rights shall, subject to Article 6 hereof, be bound to give the appropriate operating permission to the airline or airlines concerned; provided that the airlines so designated may be required to qualify before the competent aeronautical authorities of the contracting party granting the rights under the laws and regulations normally applied by these authorities before being permitted to engage in the operations contemplated by this agreement; and provided that in areas of hostilities or of military occupation, or in areas affected thereby, such inauguration shall be subject to the approval of the competent military authorities.

ARTICLE 3

REPRODUCED AT THE NATIONAL ARCHIVES

DECLASSIFIED
Authority NN 71005?
By NARA Date 2/8/74

FORM NO. 64

Office Memorandum · UNITED STATES GOVERNMENT

TO : Messrs. Lister and Bell

DATE: February 28, 1947

FROM : Mr. Wolf

SUBJECT: Bilateral Language.

711.9227/2-2847

I note the Siam Agreement, like the Philippine one, grants the foreign government a route from their country to San Francisco (Los Angeles) by "a reasonably direct route."

I think it would be highly advisable to forbid the inclusion of those words in any future bilateral. This can be done, and the same end accomplished, by more careful route wording. (cf. the Dutch route).

The quoted clause is now embarrassing us a lot in Venezuela and will elsewhere, I think.

We are, of course, trying to eat our cake and have it too on this point: but I "feel strongly" about them thar words, podner.

J. Wolf

DOR NP Unit

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Each of the air services so described shall be placed in operation as soon as the contracting party to whom the rights have been granted by Article 1 to designate an airline or airlines for the route concerned has authorized an airline for such route, and the contracting party granting the rights shall, subject to Article 6 hereof, be bound to give the appropriate operating permission to the airline or airlines concerned; provided that the airlines so designated may be required to qualify before the competent aeronautical authorities of the contracting party granting the rights under the laws and regulations normally applied by these authorities before being permitted to engage in the operations contemplated by this agreement; and provided that in areas of hostilities or of military occupation, or in areas affected thereby, such inauguration shall be subject to the approval of the competent military authorities.

ARTICLE 3

REPRODUCED AT THE NATIONAL ARCHIVES

DECLASSIFIED
Authority NND 760052
By NARA Date 2-28-96

DEPARTMENT OF STATE

FOR THE PRESS

FEBRUARY 27, 1947
No. 152

An Air Transport Agreement between the United States and Siam was signed in Bangkok on February 26 at 10:00 a.m., Bangkok time. Minister Edwin F. Stanton signed the agreement on behalf of the United States Government. Prime Minister T. Thamrong Nawasawat, who is concurrently Foreign Minister, signed on behalf of the Government of the Kingdom of Siam.

The text of the agreement is similar to several of the bilateral air transport agreements recently concluded between the United States and foreign countries.

The agreement will permit operations through Bangkok in both directions by Pan American Airways on its certificated routes from the United States and India to Saigon, Indo-China, and beyond to China and the Philippines and across the Pacific to the West Coast. A Siamese airline is authorized to serve a route from Siam to Honolulu and Los Angeles.

Text of the agreement follows:

AIR TRANSPORT AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF SIAM

The Government of the United States of America and the Government of the Kingdom of Siam, having in mind the resolution signed under date of December 7, 1944, at the International Civil Aviation Conference in Chicago, for the adoption of a standard form of agreement for air routes and services, and the desirability of mutually stimulating and promoting the further development of air transportation between the United States of America and the Kingdom of Siam, the two Governments parties to this arrangement have appointed their representatives who duly authorized have agreed that the establishment and development of air transport services between their respective territories shall be governed by the following provisions:

ARTICLE 1

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

ARTICLE 2

Each of the air services so described shall be placed in operation as soon as the contracting party to whom the rights have been granted by Article 1 to designate an airline or airlines for the route concerned has authorized an airline for such route, and the contracting party granting the rights shall, subject to Article 6 hereof, be bound to give the appropriate operating permission to the airline or airlines concerned; provided that the airlines so designated may be required to qualify before the competent aeronautical authorities of the contracting party granting the rights under the laws and regulations normally applied by these authorities before being permitted to engage in the operations contemplated by this agreement; and provided that in areas of hostilities or of military occupation, or in areas affected thereby, such inauguration shall be subject to the approval of the competent military authorities.

ARTICLE 3

REPRODUCED AT THE NATIONAL ARCHIVES

DECLASSIFIED
Authority NNA 76-052
By NARA Date 2/8/

ARTICLE 3

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

(a) Each of the contracting parties may impose or permit to be imposed just and reasonable charges for the use of public airports and other facilities under its control. Each of the contracting parties agrees, however, that these charges shall not be higher than would be paid for the use of such airports and facilities by its national aircraft engaged in similar international services.

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

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

ARTICLE 4

Certificates of airworthiness, certificates of competency and licenses issued or rendered valid by one contracting party shall be recognized as valid by the other contracting party for the purpose of operating the routes and services described in the Annex. Each contracting party reserves the right, however, to refuse to recognize, for the purpose of flight above its own territory, certificates of competency and licenses granted to its own nationals by another State.

ARTICLE 5

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

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

ARTICLE 6

REPRODUCED AT THE NATIONAL ARCHIVES

DECLASSIFIED
Authority NNA 710052
By NARA Date 2/8/

ARTICLE 6

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

ARTICLE 7

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

ARTICLE 8

This agreement or any of the rights for air transport services granted thereunder may be terminated by either contracting party upon giving one year's notice to the other contracting party.

ARTICLE 9

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

ARTICLE 10

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

ARTICLE 11

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

ARTICLE 12

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

In witness whereof, the undersigned, being duly authorized by their respective Governments, have signed the present agreement.

Done in duplicate at Bangkok this 26th day of February, 1946.

For the Government of the United States of America:
EDWIN F. STANTON, Minister

For the Government of the Kingdom of Siam:
T. THAMRONG NAWASAWAT, Foreign Minister

ANNEX

REPRODUCED AT THE NATIONAL ARCHIVES

DECLASSIFIED
Authority NNA 710052
By [illegible] NARA Date 3/28/11

ANNEX TO AIR TRANSPORT AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF SIAM

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

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

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

1. Siam to Los Angeles over a reasonably direct route.

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

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

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

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

(a) to traffic requirements between the country of origin and the countries of destination;

(b) to the requirements of through airline operation, and

(c) to the traffic requirements of the area through which the airline passes after taking into consideration local and regional services.

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

* * *