ANNEX B. CONVENTION ON INTERNATIONAL CIVIL AVIATION

This convention was signed in Chicago on December 7, 1944 and is currently in its 9th edition (2006). It continues to serve as the basic document governing the relationship between states on the exchange of commercial air traffic rights, although it was adopted at a time when almost all airlines were national flag carriers and the carriage of cargo by air was just beginning. The basic principle of the Chicago Convention was that treaties allowing airlines to fly between countries would be bilateral in nature, negotiated between governments, and that airlines would generally only be allowed to fly either from or to their home country.

Among the provisions are:

"No state aircraft of a contracting State shall fly over the territory of another State or land thereon without authorization special agreement or otherwise, and in accordance with the terms thereof." (Article 3c)

"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 7)

"...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 5)

From this Convention, seven “Freedoms” to be incorporated in bilateral agreements were evolved as follows:

- First or Transit Freedom: The right to fly across another country without landing.
- Second Freedom: The right to land in another country for purposes other than carrying passengers, for example re-fueling or maintenance.
- Third Freedom: The right to land in another country from the home country for purpose of commercial services.
- Fourth Freedom: The right to fly from another country to the home country for purpose of commercial services. (Together the Third and Fourth Freedoms grant the rights to load and unload passengers, mail and cargo in another country.)
- Fifth Freedom: The right to carry passengers to one country, and then fly on to another country with the right to carry passengers and cargo from second country to the third country and from the third country to the second country.
- Sixth Freedom: The combination of third and fourth freedom traffic rights, i.e. the right of a national carrier of one country to carry traffic from a point of origin in another country to a destination in a third country via the country of the airline (this is not a right usually granted under bilateral air services agreements).
- Seventh Freedom: the right to operate stand-alone services between two other countries.
• Eighth Freedom ("cabotage") - the right to carry traffic from one point in the territory of a country to another point in the same country.

The Eight Freedoms of the Air

• First: An airline may overfly one country to reach another.
• Second: An airline may land in another country for a technical stopover (fuel, maintenance, crew change) but not to pick up or drop off traffic.
• Third: An airline, registered in country X, may drop off traffic from country X into country Y.
• Fourth: An airline, registered in country X, may carry traffic back to country X from country Y.
• Fifth: An airline, registered in country X, may collect traffic in country Y and fly on to country Z, so long as the flight either originates or terminates in country X.
• Sixth: An airline, registered in country X, may carry traffic to a gateway – a point in country X – and then abroad. The traffic has neither its origin nor ultimate destination in country X.
• Seventh: An airline, registered in country X, may operate entirely outside of country X in carrying traffic between two other countries.
• Eighth: An airline, registered in country X, may carry traffic between any two points in the same foreign country – known as cabotage.