

EXCHANGE OF NOTES BETWEEN THE GOVERNMENT OF CANADA AND THE
GOVERNMENT OF THE UNITED REPUBLIC OF TANZANIA CONCERNING
LIABILITY FOR DAMAGES IN CONNECTION WITH A PROGRAMME FOR
FLIGHT TRAINING IN CANADA OF PILOTS OF THE TANZANIA PEOPLE'S
DEFENCE FORCE

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*The Secretary of State for External Affairs to the High Commissioner of
United Republic of Tanzania*

Ottawa, December 19, 1974

No. FLA-743

EXCELLENCY,

I have the honour to refer to the question of liability for damages with respect to a programme for training pilots of the Tanzania Peoples Defence Force at Won-Del Aviation Ltd., St. Hubert, P.Q., scheduled to commence on November 15, 1974.

Won-Del Aviation Ltd. is a party to a private insurance contract. A copy of this contract is attached. However, should an accident occur involving a member of the Tanzania Peoples Defence Force, this private insurance contract might not cover all liability and if that accident were the result of a student pilot flying outside normal flight regulations, the possibility exists that the insurance company might hold the pilot responsible and liable. Moreover, the above-mentioned insurance policy only relates to accidents involving Won-Del Aviation Ltd. aircraft.

Consequently, the Government of Canada would be grateful for confirmation that, to the extent such damages are not established to be the responsibility of a private insurance company under any insurance contract, the Government of the United Republic of Tanzania agrees to accept full responsibility for all damages resulting directly or indirectly from any act or omission of a member of the Tanzania Peoples Defence Force who is in Canada for the purpose of participating in the flight training programme. In the event of any dispute regarding responsibility for such damages, the decision of an appropriate Canadian court shall be considered final and the Government of the United Republic of Tanzania agrees to submit both to the jurisdiction and to the judgement of such a Canadian court. The Government of Canada would also be grateful for confirmation that the Government of the United Republic of Tanzania agrees to indemnify and hold harmless the Government of Canada from any and all liability resulting directly or indirectly from acts or omissions of any member of the Tanzania Peoples Defence Force participating in the above-mentioned flight training course in Canada.

I have the honour to propose that, if the foregoing is acceptable to the Government of the United Republic of Tanzania, this Note, which is authentic in English and French, together with your Excellency's reply, shall constitute an agreement between the Government of the United Republic of Tanzania and the Government of Canada, which shall enter into force on the date of your Excellency's reply.