

CANADA

TREATY SERIES, 1949

No. 15

EXCHANGE OF NOTES

(June 4, 1949)

BETWEEN

CANADA

AND

THE UNITED STATES OF AMERICA

CONSTITUTING AN UNDERSTANDING
RELATING TO CIVIL AVIATION AT
THE LEASED BASES IN
NEWFOUNDLAND

Effective June 4, 1949



OTTAWA

EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
KING'S PRINTER AND CONTROLLER OF STATIONERY

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No. 12

EXCHANGE OF NOTES

(June 4, 1949)

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CONSTITUTING AN UNDERSTANDING
RELATING TO CIVIL AVIATION AT
THE LEASED BASES IN
NEWFOUNDLAND

Effective June 4, 1949



EDMUND CLOUTIER, C.M.G., B.A., F.P.S.
KING'S PRINTER AND CONTROLLER OF STATIONERY

1949

EXCHANGE OF NOTES BETWEEN CANADA AND THE UNITED STATES
OF AMERICA CONSTITUTING AN UNDERSTANDING RELAT-
ING TO CIVIL AVIATION AT THE LEASED BASES IN NEW-
FOUNDLAND

I

*The United States Ambassador
to the Secretary of State for External Affairs*

AMERICAN EMBASSY

OTTAWA, Canada, June 4, 1949.

No. 134

EXCELLENCY:

I have the honor to refer to the Agreement (hereinafter referred to as "Bases Agreement") made on March 27, 1941, between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland, *and to related documents providing for the lease to the United States of certain areas in the Western Hemisphere upon the terms and conditions set out in the Bases Agreement.

Article XI (5) of the Bases Agreement provides that "commercial aircraft will not be authorized to operate from any of the Bases (save in case of emergency or for strictly military purposes under the supervision of the War or Navy Departments) except by agreement between the United States and the Government of the United Kingdom; provided that in the case of Newfoundland, such agreement shall be between the United States and the Government of Newfoundland".

As a result of the Union which became effective on April 1, 1949, the Government of Canada has replaced the Government of Newfoundland in the making of laws for certain purposes including the regulation of civil aviation.

In the circumstances I have the honor to propose that an Agreement providing for the use by civil aircraft of the United States military air Bases at Stephenville and Argentia be entered into as follows:

ARTICLE I

The air Base at Stephenville shall be available for use in lieu of Gander Airfield for civil aircraft engaged in international civil aviation and otherwise authorized by the Government of Canada to use Gander Airfield for traffic or non-traffic stops

- (a) at such times as the responsible Canadian authorities at Gander shall determine that operational conditions do not permit the landing or take-off of such civil aircraft under regular operating practices at Gander Airfield or

* For the text of this Agreement, see *Canada Treaty Series, 1941, No. 2.*

(b) at such time as the operating minima established by the country of registry of such aircraft do not permit the use of Gander Airfield in accordance with regular operating practices; provided that the country of registry of such aircraft maintains satisfactory civil aviation relations with the United States and Canada.

ARTICLE II

The Air Base at Stephenville may be used by civil aircraft of Canadian nationality engaged in domestic air services within Canada.

ARTICLE III

The Air Base at Argentia may be used as an alternate by civil aircraft of Canadian nationality engaged in domestic scheduled air services within Canada at such times as the operating minima established by the Government of Canada for the civil use of the airport at Torbay do not permit the use of Torbay Airfield by such aircraft.

ARTICLE IV

In the light of the military nature of the air Bases at Stephenville and Argentia the two Contracting Parties agree that the exercise of the rights granted by this Agreement shall be subject to such non-discriminatory rules, regulations and practices (including the right to limit or suspend civil air operations, or to impose conditions or restrictions of a continuing or temporary nature) with respect to the control of civil aviation as may be established by the National Military Establishment of the United States of America, or any duly authorized representative thereof, in the interest of defense and security, or because of safety, operational or logistic factors, or availability of space, facilities or services.

ARTICLE V

The Government of Canada for reasons of security or defense may close the Bases at Stephenville and Argentia to civil use provided that civil aircraft operating for strictly military purposes under the supervision of the United States National Military Establishment will not be affected.

ARTICLE VI

In light of the military nature of the air bases at Stephenville and Argentia, the civil air operations authorized by this Agreement shall be subject to and conditioned upon the establishment of necessary arrangements between the administrative authorities of the two Contracting Parties concerning security control, customs, immigration and similar services, and both Contracting Parties engage to use their best efforts to arrive at such arrangements at the earliest possible date; provided, however, that no obligation is assumed by the Government of the United States of America to provide housing, messing, transportation, or any other passenger or traffic service required in connection with the civil aviation operations authorized by this Agreement. Civil aviation operations at Stephenville and Argentia provided for in this Agreement shall not be initiated until the operators of civil aircraft authorized pursuant to this

Agreement shall have made adequate provision of all terminal facilities, including servicing, maintenance, passenger and cargo, customs, immigration and health, which they require.

If these proposals are acceptable to the Government of Canada this note, and your reply thereto accepting the proposals, shall be regarded as placing on record the understanding arrived at between the two Governments concerning this matter.

Please accept, Excellency, the renewed assurances of my highest consideration.

LAURENCE A. STEINHARDT.

OTTAWA, June 4, 1949.

I have the honour to acknowledge your Note No. 134 of June 4, 1949, in which you propose that an agreement be entered into between the Governments of the United States and Canada relating to civil aviation at the leased Base in Newfoundland. The agreement as proposed in your Note is acceptable to the Government of Canada. Your Note and this reply are regarded as placing on record the understanding arrived at between the two Governments. Accept, Excellency, the renewed assurances of my highest consideration.

A. D. P. HENNEY
for the Secretary of State for
External Affairs

II

*The Secretary of State for External Affairs
to the United States Ambassador*

DEPARTMENT OF EXTERNAL AFFAIRS

OTTAWA, June 4, 1949.

No. 182

EXCELLENCY:

I have the honour to acknowledge your Note No. 134 of June 4, 1949, in which you propose that an agreement be entered into between the Governments of the United States and Canada relating to civil aviation at the Leased Bases in Newfoundland.

The agreement as proposed in your Note is acceptable to the Government of Canada. Your Note and this reply are regarded as placing on record the understanding arrived at between the two Governments.

Accept, Excellency, the renewed assurances of my highest consideration.

A. D. P. HEENEY

*for the Secretary of State for
External Affairs*

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