

**UNITED STATES OF AMERICA
and
CANADA**

Exchange of Notes constituting an arrangement continuing in effect the Arrangement of 29 November and 2 December 1940 giving effect to article III of the Arrangement of 18 August 1939 relating to air transport services. Washington, 4 March 1943

English official text communicated by the Permanent Representative of the United States of America at the seat of the United Nations. The filing and recording took place on 3 March 1948.

**ETATS-UNIS D'AMERIQUE
et
CANADA**

Echange de notes constituant un arrangement prorogeant la validité de l'arrangement des 29 novembre et 2 décembre 1940 donnant effet à l'article III de l'arrangement du 18 août 1939 relatif aux services de transport aérien. Washington, 4 mars 1943

Texte officiel anglais communiqué par le représentant permanent des Etats-Unis d'Amérique au siège de l'Organisation des Nations Unies. Le classement et l'inscription au répertoire ont eu lieu le 3 mars 1948.

No. 87. EXCHANGE OF NOTES¹ CONSTITUTING AN ARRANGEMENT BETWEEN THE UNITED STATES OF AMERICA AND CANADA CONTINUING IN EFFECT THE ARRANGEMENT OF 29 NOVEMBER AND 2 DECEMBER 1940 GIVING EFFECT TO ARTICLE III OF THE ARRANGEMENT OF 18 AUGUST 1939 RELATING TO AIR TRANSPORT SERVICES. WASHINGTON, 4 MARCH 1943

I

The Acting Secretary of State to the Canadian Minister

DEPARTMENT OF STATE
WASHINGTON

March 4, 1943

Sir:

I have the honor to refer to negotiations which have recently taken place between the Government of the United States of America and the Government of Canada for the conclusion of a reciprocal undertaking continuing in force the arrangement between the two Governments, entered into by an exchange of notes dated November 29, 1940 and December 2, 1940,² for the purpose of giving effect to Article III of the Air Transport Arrangement between the two Governments concluded on August 18, 1939.³

It is my understanding that it has been agreed in the course of the recent negotiations, now terminated, that the undertaking referred to in the preceding paragraph shall be as follows:

Having in mind the fact that because of the war situation it was impracticable for the aeronautical authorities of the United States and Canada to hold a meeting six months prior to December 31, 1942, as contemplated by the arrangement between the two Governments entered into by an exchange of notes dated November 29, 1940 and December 2, 1940, for the purpose of drawing up new recommendations relating to the allocation of air transport routes to

¹ Came into force on 4 March 1943, by the exchange of the said notes.

² League of Nations, *Treaty Series*, Volume CCIII, page 219.

³ League of Nations, *Treaty Series*, Volume CXCIX, page 367.

United States and Canadian air carriers for operations between the United States and Canada, it is now agreed that, subject to the provisions of the succeeding paragraph, the 1940 arrangement as herein referred to shall be considered to have remained in force from December 31, 1942, and shall continue in force until the end of the war. It is also agreed that after the termination of the war a conference between representatives of the two Governments will be held for the purpose of reviewing the situation as it may then exist with respect to the application of the terms of the arrangement covered by the exchange of notes dated November 29, 1940 and December 2, 1940.

Notwithstanding the foregoing provisions, it is agreed that the present undertaking may be terminated at any time on six months' notice given in writing by either Government to the other Government for important reasons of public policy when the conditions thereof or the actual practice thereunder is no longer regarded by the Government of the country giving such notice as being in its interest. Such notice of termination shall be given by either Government to the other only after consultation between the two Governments for a period of at least sixty days.

I shall be glad to have you inform me whether it is the understanding of your Government that the terms of the undertaking agreed to in the recent negotiations, now terminated, are as above set forth. If so, it is suggested that the undertaking shall become effective on this date. If your Government concurs in this suggestion the Government of the United States will regard the undertaking as becoming effective on this date.

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

Sumner WELLES
Acting Secretary of State

The Honorable Leighton McCarthy, K.C.
Minister of Canada

II

*The Canadian Minister to the Acting Secretary of State*CANADIAN LEGATION
WASHINGTON

March 4, 1943

Sir:

I have the honour to refer to your note of March 4 setting forth your understanding of the reciprocal undertaking, agreed to in the course of the recent negotiations between the Government of Canada and the Government of the United States of America, to continue in force the arrangement between the two Governments entered into by an exchange of notes dated November 29, 1940 and December 2, 1940, for the purpose of giving effect to Article III of the Air Transport Arrangement between the two Governments concluded on August 18, 1939.

The Canadian Government confirms your understanding of the reciprocal undertaking and agrees that the undertaking shall be effective from the date of your note, namely, March 4, 1943.

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

Leighton McCARTHY

The Honourable Sumner Welles
Acting Secretary of State of the United States
Washington, D.C.
