

No. 1278

**UNITED STATES OF AMERICA
and
DOMINICAN REPUBLIC**

**Exchange of notes constituting an agreement relating to
flights of military aircraft. Ciudad Trujillo, 11 August
1950**

Official texts: English and Spanish.

Registered by the United States of America on 6 July 1951.

**ÉTATS-UNIS D'AMÉRIQUE
et
RÉPUBLIQUE DOMINICAINE**

**Échange de notes constituant un accord relatif aux vols
effectués par les aéronefs militaires. Ciudad-Trujillo,
11 août 1950**

Textes officiels anglais et espagnol.

Enregistré par les États-Unis d'Amérique le 6 juillet 1951.

No. 1278. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND THE DOMINICAN REPUBLIC RELATING TO FLIGHTS OF MILITARY AIRCRAFT. CIUDAD TRUJILLO, 11 AUGUST 1950

I

The American Ambassador to the Dominican Secretary of State for Foreign Affairs

THE FOREIGN SERVICE
OF THE UNITED STATES OF AMERICA

No. 26

Excellency :

Under instructions of my Government I have the honor to advise your Excellency that my Government considers it would be highly desirable to effect an exchange of notes between the Government of the United States and the Government of the Dominican Republic to enable the free movement of the military of each country into and through the airspace of the other country.

It is therefore proposed that the following arrangements be formalized by this exchange of notes :

(I) Definition : The right of military air transit and technical stop is the right to operate military aircraft into, over and away from the sovereign territory of a nation and to land at one or more specified airfields or sea-plane landing areas therein to refuel, effect repairs and/or avoid unfavorable weather conditions. Military aircraft of the United States are aircraft of the Air Force, Army, Navy, Marine Corps and Coast Guard. Military aircraft of the Dominican Republic are aircraft of the Air Force, Army, and Navy.

(II) The Government of the United States of America grants to the military aircraft of the Government of the Dominican Republic the right of air transit and technical stop as defined in (I) above, subject to the regulations and provisions set forth herein.

The Government of the Dominican Republic grants to the military aircraft of the Government of the United States of America the right of air transit and technical stop as defined in (I) above, subject to the regulations and provisions set forth herein.

¹ Came into force on 11 August 1950, by the exchange of the said notes.

(III) It is agreed that the right of air transit and technical stop includes reciprocal overflight and landing privileges for military aircraft of each of the two Governments through the territories and at airfields under the control of the other Government. This right does not extend to bases within the sovereign territory of a third power. Landing and parking fees at airfields under jurisdiction of military service will be waived in all instances. Notification procedures will follow current practice of filing a standard flight plan with the nearest control center of foreign clearing station.

(IV) The use of airfields under this arrangement will normally be restricted to non-scheduled landing by single aircraft or small groups of planes. Whenever an airfield is to be used for scheduled traffic or heavy traffic flow is anticipated, administrative arrangements will be made between the two Governments. At airfields where adequacy of ground facilities is questionable, where extraordinary accommodations are required and whenever individuals requiring special reception or honors are aboard aircraft, twenty-four hours advance notice will be given.

(V) The military passengers and crew of each Government operating in accordance with the rights granted by paragraph (II) above will be exempted from customs' charges and immigration restrictions and charges consistent with existing laws and regulations by the other Government but will not be exempted from such customs, immigration, police and health inspection as may be required under the laws of the other Government.

(VI) It is agreed that in the exercise of the right contained herein, each military service will be permitted to procure and transport through contract or outright purchase necessary supplies for its personnel and aircraft while in the territory of the other. Such purchases will enjoy the same tax exemption as is enjoyed by the military forces of the country of sovereignty.

(VII) It is agreed that the aircraft of the two Governments exercising the rights provided in paragraph (II) above will be authorized to transport military personnel and cargo and government mail, and such aircraft which are in transit across the territory of the other will be exempt from search.

(VIII) It is agreed that governmental officials and private citizens who are certified to be on official business of the Government may be transported in the military aircraft.

(IX) It is agreed that military crews manning aircraft and military passengers thereon, operating in accordance with the provisions of paragraph two above, may wear the uniform of their service.

(X) Military aircraft of the Government of the Dominican Republic when flying into or over the airspace of the continental United States will be subject to compliance with all applicable laws and regulations including those pertaining to airspace reservations and air traffic rules contained in part 60 of the Civil Air Regulations.

This exchange of notes will supersede the emergency blanket permission issued to the United States on December 16, 1941, and other informal arrangements by the Dominican Government. These privileges are considered to be automatically renewable on an annual basis, unless one party gives six months' prior notice of its desire to terminate this arrangement. In the event of either of the Governments becoming directly involved in hostilities, each Government reserves the right to terminate this agreement forthwith or to reconsider the extent of its adherence thereto. These arrangements are concluded without prejudice to the possible inclusion of these rights in a multilateral military air transit agreement at a later date.

Upon the receipt of a note from Your Excellency indicating that the foregoing proposal is acceptable to the Government of the Dominican Republic, the Government of the United States of America will consider that this note and your reply thereto constitute an agreement between the two governments on this subject, the agreement to enter into force on the date of your note in reply.

Accept, Excellency, the renewed assurances of my highest and most distinguished consideration.

Ralph H. ACKERMAN

August 11, 1950,
Ciudad Trujillo, D. R.

II

The Dominican Secretary of State for Foreign Affairs to the American Ambassador

SPANISH TEXT — TEXTE ESPAGNOL

REPÚBLICA DOMINICANA
SECRETARÍA DE ESTADO
DE RELACIONES EXTERIORES

Ciudad Trujillo, R. D., 11 de agosto de 1950

24650

Señor Embajador :

Tengo a honra avisar recibo de la atenta nota número 26, de fecha 11 del presente mes de agosto, en la cual Vuestra Excelencia expresa lo siguiente :

« Por instrucciones de mi Gobierno tengo el honor de comunicarle que mi Gobierno considera que sería muy deseable efectuar un cambio

Me es grato expresar, en respuesta, a Vuestra Excelencia, que mi Gobierno acepta los términos del proyecto de acuerdo contenido en la nota precedentemente transcrita de esa Embajada y acepta, asimismo, que dicho acuerdo entre en vigor a partir de la fecha de esta comunicación.

Aprovecho la oportunidad para renovar a Vuestra Excelencia las seguridades de la más alta y distinguida consideración.

V. D. ORDÓÑEZ

A Su Excelencia Ralph H. Ackerman
Embajador Extraordinario y Plenipotenciario
de los Estados Unidos de América
Ciudad

TRANSLATION¹ — TRADUCTION²

DOMINICAN REPUBLIC
DEPARTMENT OF STATE
FOR FOREIGN AFFAIRS

Ciudad Trujillo, D. R., August 11, 1950

24650

Mr. Ambassador :

I have the honor to acknowledge receipt of note no. 26, dated August 11, 1950, in which Your Excellency states the following :

[See note I]

It is a pleasure to state to Your Excellency, in reply, that my Government accepts the terms of the proposed agreement contained in your Embassy's note transcribed hereinabove, and it likewise agrees that the said agreement shall enter into force on the date of this communication.

I avail myself of the opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

V. D. ORDÓÑEZ

His Excellency Ralph H. Ackerman
Ambassador Extraordinary and Plenipotentiary
of the United States of America
City

¹ Translation by the Government of the United States of America.

² Traduction du Gouvernement des États-Unis d'Amérique.