

No. 1709

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**AUSTRALIA  
and  
PHILIPPINES**

**Exchange of notes constituting a temporary air agreement.  
Manila, 30 January, 1 and 18 March and 14 April 1950**

*Official text: English.*

*Registered by the International Civil Aviation Organization on 24 April 1952.*

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**AUSTRALIE  
et  
PHILIPPINES**

**Échange de notes constituant un accord aérien provisoire.  
Manille, 30 janvier, 1<sup>er</sup> mars, 18 mars et 14 avril 1950**

*Texte officiel anglais.*

*Enregistré par l'Organisation de l'aviation civile internationale le 24 avril 1952.*

No. 1709. EXCHANGE OF NOTES CONSTITUTING A TEMPORARY AIR AGREEMENT<sup>1</sup> BETWEEN AUSTRALIA AND THE PHILIPPINES. MANILLA, 30 JANUARY, 1 AND 18 MARCH AND 14 APRIL 1950

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I

AUSTRALIAN CONSUL-GENERAL  
MANILA, PHILIPPINES

30th January, 1950

Sir,

As you are aware, Qantas Empire Airways at present operates, on behalf of the Australian Government, a military air service between Australia and Japan which, with the authority of your Government, makes technical stops at Manila. This service is used solely for the logistic support of the British Commonwealth Occupation Forces in Japan.

The Australian authorities have been contemplating for some time the substitution of a civil air service for the present military air service and have now obtained authorization from the appropriate authority in Japan for such service to exercise traffic rights there. The civil air service would still continue to be used to the full extent necessary for the logistic support of the British Commonwealth forces in Japan in addition to the carriage of civil air traffic.

The Australian authorities desire to operate a civil air service to Japan via Manila on the same route as that at present used by the military air service. They would also be desirous of exercising traffic rights at Manila on this service, with the authority of Philippine Government, and would wish to undertake at an early date negotiations of an air transport agreement with appropriate Philippine authorities for that purpose.

You will remember that your Government had contemplated some time ago the despatch of a delegation to Australia to undertake negotiations regarding an Air Transport Agreement. The Australian authorities would be pleased to welcome a Philippine Delegation to Australia for such negotiations. If, however, your Government is unable to arrange for such a Delegation to visit Australia, the Australian Government would be willing to send a Delegation to Manila at a time convenient to your Government to undertake the necessary

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<sup>1</sup> Came into force on 14 April 1950 by the exchange of the said notes.

negotiations there. My Government has requested me to ascertain from you your views on this proposal.

In the meantime, until arrangements can be completed with your Government for the exercise by an Australian civil air service of traffic rights at Manila, the Australian authorities desire that this service exercise rights of transit over Philippine territory and rights of traffic stops at Manila in accordance with the International Air Service Transit Agreement<sup>1</sup> to which both our Governments are parties. In connection with the exercise of these rights my Government has asked me to ascertain from you whether there are any formalities which your Government desires to be met. The civil air service will be operated by Qantas Empire Airways with Skymaster aircraft. Qantas Empire Airways, as you may be aware, is wholly owned and controlled by the Australian Government. The actual date for the commencement of civil air service is expected to be in the near future and the frequency at which it will operate has not yet been determined. I will inform you regarding these matters as soon as I have further advice from my Government.

The Australian authorities have instructed me to say that they would be glad to have advice from you regarding this matter as early as is convenient.

I avail myself of this opportunity to renew to you the assurances of my highest consideration.

(Signed) J. K. WALLER  
Consul-General

The Hon. Felino Neri  
Acting Secretary  
Department of Foreign Affairs  
Manila

## II

AUSTRALIAN CONSUL-GENERAL  
MANILA, PHILIPPINES

1st March, 1950

Sir,

Further to my letter of 30th January, 1950, I desire to inform you that the first commercial air service to Japan by Qantas Empire Airways will transit the Philippines on 4th March, 1950, in accordance with the International Air Service Transit Agreement to which both our Governments are parties. I understand that the Civil Aeronautics Administration requires 24 hours notice

<sup>1</sup> United Nations, *Treaty Series*, Vol. 84, p. 389.

of the beginning of such a service and I should be glad if you could arrange that they and any other relevant Philippine Government authorities should be notified. The schedule of the service is as follows :—

*Northbound.*—Arrive Manila Wednesdays and Saturdays

0830 hours G.M.T. 1630 L.S.T.

Depart Manila Thursdays and Sundays

2245 G.M.T. 0645 L.S.T.

*Southbound.*—Arrive Manila Fridays and Tuesdays

0740 G.M.T. 1540 L.S.T.

Depart Saturdays and Wednesdays

2200 G.M.T. 0600 L.S.T.

I should be glad if you could advise me whether your Government has yet reached a decision in regard to the exercise of traffic rights for this service. The present service will, of course, exercise transit rights only.

I am sending two copies of this letter to the Civil Aeronautics Administration.

I avail myself of this opportunity to renew to you the assurances of my highest consideration.

(Signed) J. K. WALLER  
Consul-General

The Hon. Felino Neri  
Undersecretary  
Department of Foreign Affairs  
Manila

### III

Manila, March 18, 1950

Sir :

With reference to your letters of January 30th and March 1st, 1950, regarding the desire of your Government to have transit and traffic rights at Manila for the Qantas Empire Airways in its proposed civil air service between Australia and Tokyo, I am pleased to advise that the Philippine Government is ready to accede to such desire subject to the following terms and conditions :

“ 1. The authorized air service to be operated by the airline designated by the Australian Government shall be as follows :

“(a) A service in both directions of not more than one frequency each week on the following route : Sydney, Port Darwin, Manila, Iwakuni, Tokyo with right to pick up and set down traffic at Manila except traffic destined for or coming from points north of Manila;

“(b) In addition to the service authorized in paragraph (a) above, the airline designated by the Government of the Commonwealth of Australia may operate on the route above specified a weekly transit service without right to pick up or set down traffic at Manila.

“2. The air service will be operated in accordance with such conditions as may be imposed by the Philippine Civil Aeronautics Administration, and in accordance with the principles of the International Civil Aviation Convention<sup>1</sup> signed at Chicago on December 7, 1944, and the rates to be charged shall be those fixed in accordance with the rules of the IATA and approved by the Philippine Civil Aeronautics Board.

“3. The Philippine Law and regulations as to the admission to or departure from Philippine territory of passengers, crew, or cargo, such as those relating to entry, clearance, immigration, passports, customs, and quarantine shall be complied upon entrance into or departure from, or while within the Philippine territory;

“4. The Philippine Civil Aeronautics Board shall be furnished with monthly statement showing the services operated to and from Manila, together with such other relevant information as may be required from time to time by the said Board;

“5. The inclusion or exclusion of any particular provision in this authority in no way prejudice the terms of any agreement that may subsequently be negotiated between the Philippine and Australian Governments;

“6. The authority granted hereunder shall remain in force for a period of three months computed from the date of the first flight of the designated airline of the Australian Government in accordance with this agreement, subject to the right reserved by the Philippine Government to terminate this agreement at any time for cause; and

<sup>1</sup> United Nations, *Treaty Series*, Vol. 15, p. 295; Vol. 26, p. 420; Vol. 32, p. 402; Vol. 33, p. 352; Vol. 44, p. 346 and Vol. 51, p. 336.

“7. Pending the conclusion of a bilateral air agreement that may be negotiated between the Governments of the Philippines and of Australia, the latter shall forthwith grant upon request of the former such reciprocal rights as are granted hereunder in Sydney and Darwin.”

If the terms and conditions set forth above be acceptable to the Australian Government, the corresponding application for temporary authorization should be filed with the Philippines Civil Aeronautics Board with a copy of the exchange of notes on this matter.

Very truly yours,

(Signed) Felino NERI  
Undersecretary

J. K. Waller, Esquire  
Consul-General of Australia  
Manila

#### IV

AUSTRALIAN LEGATION  
MANILA, PHILIPPINES

14th April, 1950

Sir,

I have the honor to refer to your letter No. 10343 of 18th March, 1950 regarding the exercise of transit and traffic rights at Manila for Qantas Empire Airways. I have been instructed by my Government to inform you that the terms and conditions under which you are willing to permit the operation of an air service by an air line designated by the Australian Government are acceptable.

My Government will arrange for Qantas Empire Airways Limited, which would be its designated air line under this agreement, to make the necessary application for temporary authorization with the Philippine Civil Aeronautics Board as requested by you.

I avail myself of this opportunity to renew to you the assurances of my highest consideration.

(Signed) J. K. WALLER  
Chargé d'Affaires a.i.

The Hon. Felino Neri  
Undersecretary  
Department of Foreign Affairs  
Manila