

No. 2285

UNITED STATES OF AMERICA
and
PORTUGAL

Exchange of notes constituting an agreement relating to air transit facilities in the Azores. Lisbon, 30 May 1946

Exchange of notes constituting an agreement relating to the continuance of air transit facilities in the Azores granted under the above-mentioned Agreement. Lisbon, 2 February 1948

Official texts: English and Portuguese.

Registered by the United States of America on 7 October 1953.

ÉTATS-UNIS D'AMÉRIQUE
et
PORTUGAL

Échange de notes constituant un accord relatif à des facilités de transit aérien aux Açores. Lisbonne, 30 mai 1946

Échange de notes constituant un accord relatif au maintien des facilités de transit aérien aux Açores octroyées par l'Accord susmentionné. Lisbonne, 2 février 1948

Textes officiels anglais et portugais.

Enregistrés par les États-Unis d'Amérique le 7 octobre 1953.

No. 2285. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND PORTUGAL RELATING TO AIR TRANSIT FACILITIES IN THE AZORES. LISBON, 30 MAY 1946

I

The Portuguese Minister for Foreign Affairs to the American Ambassador

[PORTUGUESE TEXT² — TEXTE PORTUGAIS³]

MINISTÉRIO DOS NEGÓCIOS ESTRANGEIROS

Lisboa, 30 de Maio de 1946

Senhor Embaixador,

No seguimento das conversas ultimamente havidas em virtude da terminação dos acordos dos Açores e do pedido apresentado pelos Governos dos Estados Unidos da América e da Grã-Bretanha quanto a certas necessidades das forças de ocupação na Alemanha e no Japão, tenho a honra de comunicar a V. Ex^a. a fórmula encontrada para dar satisfação aos diversos interesses em causa :

a) Os Governos norte-americano e britânico entregarão solenemente, no dia 2 de Junho próximo, às autoridades portuguesas para êsse efeito designadas, os campos respectivamente de Santa Maria e das Lagens com as suas instalações ;

b) o Governo português autorizará que, pelo prazo de 18 meses a contar daquela data, os aviões norte-americanos e ingleses, ao serviço das forças de ocupação na Alemanha e no Japão, passem em trânsito pelo campo das Lagens, respeitando-se para efeito de facilidades alfandegárias e outras, o character especial dos mesmos aviões ;

c) transitóriamente, porém, e até à instalação nas Lagens de uma unidade militar portuguesa de aviação, o Governo português permitirá que o trânsito dos aviões aludidos na alínea anterior se efectue quer pelo aeródromo de Santa Maria quer pelo aeródromo das Lagens ;

d) até que as autoridades portuguesas tenham organizado os serviços relativos à utilização dos aeródromos de Santa Maria e das Lagens, as autoridades norte-americanas e inglesas comprometem-se a manter em colaboração e sob a superintendência das autoridades portuguesas os serviços actualmente existentes necessários ao uso dos campos ;

e) durante um periodo transitório de 120 dias as autoridades norte-americanas e inglesas farão retirar dos referidos aeródromos todo o material e pessoal ali existentes que as autoridades portuguesas não considerarem indispensável à manutenção e utilização dos campos e não desejarem adquirir ou contratar.

¹ Came into force on 30 May 1946, by the exchange of the said notes.

² For the English text of this note, see note II, p. 189.

³ Pour le texte anglais de cette note, voir note II, p. 189.

No caso dos Governos norte-americano e britânico darem a sua aceitação ao acima exposto a resposta afirmativa de V. Ex.^a. e a do Embaixador de Sua Majestade Britânica, ao qual nesta data é enviado nota idêntica, constituirão, com esta, o acôrdo dos três Governos sôbre a matéria.

Aproveito esta oportunidade para renovar a Vossa Excelência os protestos da minha mais alta consideração.

A. DE O. SALAZAR

Sua Excelência o Senhor Embaixador Herman Baruch
& & &

II

The American Ambassador to the Portuguese Minister for Foreign Affairs

EMBASSY OF THE UNITED STATES OF AMERICA

Lisbon, May 30, 1946

Excellency :

I have the honor to acknowledge the receipt of your Excellency's note of today's date in the following terms :

"Following the recent conversations concerning the termination of the Azores Agreements¹ and the request put forward by the Governments of the United States and United Kingdom with respect to certain needs of the forces of occupation in Germany and Japan, I have the honor to communicate to your Excellency the formula which has been worked out to satisfy the various interests concerned :

- (a) The Governments of the United States and United Kingdom will formally transfer on June 2nd to the Portuguese authorities designated for this purpose the airfields of Santa Maria and Lagens with their installations.
- (b) The Portuguese Government authorizes for the period of eighteen months from that date the passage in transit through Lagens airfield of American and British aircraft serving the forces of occupation in Germany and Japan, the special character of such aircraft being respected as far as customs and other facilities are concerned.
- (c) Temporarily, however, and until the establishment at Lagens of a Portuguese military aviation unit, the Portuguese Government will allow the aircraft referred to in the previous clause to pass in transit either through the Santa Maria airfield or through the Lagens airfield.
- (d) Until such time as the Portuguese authorities shall have organized the necessary services for the operation of the airfields of Santa Maria and Lagens, the American and British authorities undertake to maintain, in collaboration with and under the superintendence of the Portuguese authorities, the existing services which are necessary for the operation of the airfields.
- (e) During a transitional period of 120 days the American and British authorities will withdraw from the airfields in question all the material and personnel at present

¹ United States of America, *Treaties and Other International Acts Series* 2338.

there which the Portuguese authorities do not consider to be indispensable for the maintenance and operation of the airfields and do not wish to acquire or engage.

Should the Governments of the United States and United Kingdom accept the agreement set out above, the affirmative reply of your Excellency and of the British Ambassador, to whom an identical note has today been sent, shall constitute, together with this communication, the agreement of the three Governments in this matter."

I have the honor to inform your Excellency that the United States Government accepts the agreement set out in your Excellency's note quoted above.

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

Herman B. BARUCH

His Excellency Dr. Antonio de Oliveira Salazar
Minister for Foreign Affairs
Lisbon

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹
BETWEEN THE UNITED STATES OF AMERICA AND
PORTUGAL RELATING TO THE CONTINUANCE OF
AIR TRANSIT FACILITIES IN THE AZORES GRANTED
UNDER THE AGREEMENT OF 30 MAY 1946.² LISBON,
2 FEBRUARY 1948

I

The Portuguese Minister for Foreign Affairs to the American Ambassador

[PORTUGUESE TEXT — TEXTE PORTUGAIS]

MINISTÉRIO DOS NEGÓCIOS ESTRANGEIROS

DIRECÇÃO GERAL

DOS NEGÓCIOS POLÍTICOS E DA ADMINISTRAÇÃO INTERNA

Lisboa, 2 de Fevereiro de 1948

Senhor Embaixador,

Tenho a honra de comunicar a V. Exa. que foi atentamente e no mais amigável espírito considerado o pedido do Governo dos Estados Unidos relativo à continuação das facilidades de trânsito, concedidas aos aviões norte-americanos pelo acôrdo de 30 de Maio de 1946. O Governo Português entende que a seguinte fórmula dará satisfação aos interesses em causa.

O Governo Português e o Governo dos Estados Unidos :

Considerando que as facilidades concedidas para o trânsito dos aviões norte-americanos em serviço das tropas de ocupação na Alemanha e no Japão, terminaram em 2 de Dezembro de 1947 por força do disposto no acôrdo de 30 de Maio do ano findo ;

Considerando a manifesta utilidade do Governo dos Estados Unidos, dadas as responsabilidades internacionais que no momento lhe incumbem, em continuar o trânsito pelas Lagens dos aludidos aviões ;

Tendo presentes as vantagens que de tais facilidades resultam para a segurança da Europa e para o restabelecimento e consolidação da paz mundial bem como o valor que do mesmo objectivo indirectamente pode derivar para a defesa e segurança comum ;

Examinado o estado de execução do programa ajustado, para cumprimento do acôrdo de 30 de Maio, entre as autoridades militares portuguesas e o Comando do A. T. C. nos Açores ;

Acordam :

em que o Governo Português continue a conceder ao Governo dos Estados Unidos as facilidades de trânsito da aviação americana pelo aeródromo das Lagens, nos termos seguintes:

¹ Came into force on 2 February 1948 with retroactive effect from 2 December 1947, in accordance with the provisions of the said notes.

² See p. 188 of this volume.

[TRANSLATION¹ — TRADUCTION²]

MINISTRY OF FOREIGN AFFAIRS
OFFICE OF THE DIRECTOR GENERAL
OF POLITICAL AFFAIRS AND INTERNAL ADMINISTRATION

Lisbon, February 2, 1948

Mr. Ambassador,

I have the honor to inform Your Excellency that the request of the Government of the United States regarding the continuance of transit facilities granted to American aircraft under the agreement of May 30, 1946, has been considered carefully and in the most friendly spirit. The Portuguese Government thinks that the following formula will satisfy the interests in question.

[See note II]

If the Government of the United States accepts the formula set forth above, Your Excellency's affirmative reply will constitute, together with this note, the agreement of the two Governments on this matter, which will enter into force conjointly with the arrangements contemplated in paragraph (d) above.

I avail myself of this opportunity to renew to Your Excellency, Mr. Ambassador, the assurances of my highest consideration.

José CAEIRO DA MATTA

His Excellency John C. Wiley
Ambassador of the United States of America
Lisbon, Portugal
etc., etc., etc.

II

The American Ambassador to the Portuguese Minister for Foreign Affairs

EMBASSY OF THE UNITED STATES OF AMERICA

Excellency :

I have the honor to acknowledge the receipt of Your Excellency's note of today's date in the following terms :

"I have the honor to communicate to Your Excellency that the request of the Government of the United States relative to the continuance of transit facilities granted to American aircraft under the agreement of May 30, 1946 has been considered attentively and in the most friendly spirit. The Portuguese Government believes that the following formula will give satisfaction to the interests in question :

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

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

The Government of Portugal and the Government of the United States :

Considering that the facilities granted for the transit of American aircraft servicing the occupation troops in Germany and Japan terminated on December 2, 1947 under the terms of the agreement of May 30 of the preceding year ;

Considering the manifest utility to the Government of the United States, given its international responsibilities with which at the moment it is burdened, in continuing the transit through Lagens of the referred to aircraft ;

Having in mind the advantages which those facilities will achieve for the security of Europe and for the reestablishment and consolidation of world peace as well as the indirect value which the same may bring about for the common defense and security ;

Examining the execution of the program agreed upon for the carrying out of the May 30 agreement between the Portuguese military authorities and the ATC¹ Command in the Azores ;

Agree :

That the Portuguese Government will continue to grant to the Government of the United States transit facilities for American aircraft through Lagens aerodrome in the following terms :

- (a) The granting of facilities refers to a period of three years beginning December 2, 1947 tacitly extendable from year to year for two years more, if not denounced by the Portuguese Government with three months' notice. The Government of the United States may denounce the agreement and relinquish the facilities at any moment.
- (b) There shall not be due for the utilization of the aerodrome and of the various installations the payment of any tax or rental and for the purpose of customs and other facilities the special character of the aircraft in transit will be respected. The Government of the United States will, however, be responsible for the expenses which may have to be made for those improvements of the aerodrome which are not necessary for the utilization by the Portuguese services as well as the replacement if necessary of deteriorated installations which are destined to the services or living quarters of its personnel, it being understood that all constructions shall be immediately considered property of the Portuguese Government.
- (c) The Government of the United States will continue to furnish the necessary facilities for the apprenticeship and training of Portuguese personnel having in mind the perfect functioning of the services of the air base including those utilized by the ATC during the three year period mentioned in Paragraph A, as well as the acquisition by the Portuguese Government of material deemed indispensable for the services of the base.
- (d) The special conditions of a technical nature necessary for the carrying out of the present agreement will be stipulated between the Portuguese military authorities and the ATC Command at Lagens and will be subject to confirmation of the Ministry of War in Lisbon, as well as a periodic revision at the request of either of the parties. It is understood, however :
 1. The personnel of American nationality normally in service may not exceed the minimum reached during the last 12 months, except in case of emergency or extraordinary military measures communicated as far as possible in advance

¹ Air Transport Command.

to the Portuguese Government and there then can be authorized the entry and utilization of personnel necessary to the anticipated traffic.

2. Among the material the acquisition of which will be facilitated, the material needed for the new control tower will be given urgent consideration.
 3. There may be authorized the residence in Praia da Victoria of persons of the families of the personnel on service and there will be granted as a consequence of this authorization the necessary facilities.
- (e) The Portuguese Government reserves the right to grant the Government of Great Britain transit facilities analogous to those mentioned in this agreement.

In case the Government of the United States accepts the formula mentioned above the affirmative reply of Your Excellency will constitute with this the agreement of the two Governments concerning this matter, which will enter into force together with the arrangements contemplated in item (d) above."

I have the honor to inform Your Excellency that the United States Government accepts the agreement set out in Your Excellency's note quoted above.

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

John C. WILEY

Lisbon, February 2, 1948

His Excellency Dr. José Caeiro da Matta
Minister for Foreign Affairs

Lisbon
