

No. 2288

**UNITED STATES OF AMERICA
and
COSTA RICA**

**Exchange of notes constituting an agreement relating to
military air transit rights. San José, 19 and 25 February
1952**

Official texts: English and Spanish.

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

**ÉTATS-UNIS D'AMÉRIQUE
et
COSTA-RICA**

**Échange de notes constituant un accord relatif aux droits
en matière de transit aérien militaire. San-José, 19 et
25 février 1952**

Textes officiels anglais et espagnol.

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

No. 2288. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND COSTA RICA RELATING TO MILITARY AIR TRANSIT RIGHTS. SAN JOSÉ, 19 AND 25 FEBRUARY 1952

I

The American Ambassador to the Costa Rican Minister of Foreign Affairs

THE FOREIGN SERVICE OF THE UNITED STATES OF AMERICA

AMERICAN EMBASSY

No. 93

San José, February 19, 1952

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 Costa Rica to enable the free movement of the military aircraft 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. The Government of the United States of America and the Government of Costa Rica grant to each other the right of military air transit and technical stop, subject to the provisions and regulations set forth or referred to herein. For the purposes of this Agreement, the right of military air transit and technical stop means the right of each Government to operate military aircraft into, over, and away from the sovereign territory of the other Government ; and to land such aircraft at airfields and seaplane landing areas under the sovereign control of the other Government without being subject to landing and parking fees. It is understood that military aircraft of the Government of the United States means aircraft of or under the control of the Air Force, the Army, the Navy, the Marine Corps, and the Coast Guard, and that military aircraft of Costa Rica means aircraft of or under the control of all branches of the National Defense.

II. (1) The use of airfields and seaplane landings under this Agreement shall normally be restricted to non-scheduled landings by single aircraft or small groups of planes. Wherever an airfield or seaplane landing is to be used for scheduled traffic, or heavy traffic flow is anticipated, administrative arrangements shall be made between appropriate authorities of the two Governments.

(2) Notification procedures will follow current practice of filing a standard flight plan in accordance with appropriate ICAO Standards and Recommended Practices.

¹ Came into force on 25 February 1952, by the exchange of the said notes.

(3) At airfields where adequacy of ground facilities is questionable, or whenever extraordinary accommodations are required, or individuals requiring special reception or honors are aboard aircraft, twenty-four hours advance notice shall be given, whenever practicable.

III. The military passengers and crews of aircraft operating in accordance with the rights granted in I, 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 customs, immigration, police and health inspection required under the laws of the other Government.

IV. It is agreed that in the exercise of the rights contained herein, the military services of each Government shall be permitted to procure through contract or outright purchase, and to transport, necessary supplies for its personnel and aircraft while in the territory of the other. Such purchases shall enjoy the same tax exemption as is enjoyed by the local military forces.

V. It is agreed that the aircraft of the two Governments exercising the rights provided in I, above, shall be authorized to transport military personnel and cargo, Government officials, private citizens on official Government business, and Government mail. Such aircraft shall be exempt from search.

VI. It is agreed that military crews manning aircraft operating in accordance with the provisions of I, above, and military passengers thereon, may wear the uniform of their service.

VII. Military aircraft of both governments when flying into or over the airspace of the other country 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 of the United States.

This exchange of notes will supersede the emergency blanket permission issued to the United States on December 15, 1941, and other informal arrangements entered into by the Costa Rican Government. These privileges are considered to be automatically renewed on an annual basis, unless one party gives six months' notice of its desire to terminate this Agreement forthwith, or modify its terms as may be mutually agreed. This Agreement is concluded without prejudice to the possible inclusion of the same or similar rights in a multilateral military air transit Agreement which may be subscribed to by both Governments at a later date.

Upon the receipt of a note from Your Excellency indicating that the foregoing proposal is acceptable to the Government of Costa Rica, 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 Excellency's note in reply.

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

Philip B. FLEMING

His Excellency Lic. Fernando Lara Bustamante
Minister of Foreign Affairs
San José

[TRANSLATION¹ — TRADUCTION²]

REPUBLIC OF COSTA RICA
MINISTRY OF FOREIGN AFFAIRS AND WORSHIP

Diplomatic Section

San José, February 25, 1952

No. 210-SD.-

Mr. Ambassador :

I have the honor to acknowledge the receipt of Your Excellency's courteous note No. 93 of the nineteenth of this month, in which you were so good as to inform me that your Government considers that it would be highly desirable to effect an exchange of notes with that of Costa Rica, in order to permit the free movement of the military aircraft of each country into and through the airspace of the other country.

My Government having considered the aforementioned note No. 93 in its entirety, I take pleasure in informing Your Excellency that it is in full accord and approves in all its points the agreement established in the following form :

[*See note I*]

The Government of Costa Rica considers this exchange of notes an agreement between the two Governments on this matter, which will enter into force on today's date.

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

Fernando LARA

His Excellency General Philip B. Fleming
Ambassador of the United States of America
American Embassy
City

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

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