

No. 2013

UNITED STATES OF AMERICA
and
PERU

Exchange of notes constituting an agreement relating to a civil aviation mission to Peru. Lima, 27 December 1946

Exchange of notes constituting an agreement amending the above-mentioned Agreement. Lima, 28 August and 11 November 1947

Official texts: English and Spanish.

Registered by the United States of America on 8 January 1953.

ÉTATS-UNIS D'AMÉRIQUE
et
PÉROU

Échange de notes constituant un accord relatif à l'envoi d'une mission d'aviation civile au Pérou. Lima, 27 décembre 1946

Échange de notes constituant un accord modifiant l'Accord susmentionné. Lima, 28 août et 11 novembre 1947

Textes officiels anglais et espagnol.

Enregistrés par les États-Unis d'Amérique le 8 janvier 1953.

I

[TRANSLATION¹ — TRADUCTION²]

MINISTRY OF FOREIGN AFFAIRS AND WORSHIP

No. (D)-6-3/257

Lima, December 27, 1946

Mr. Ambassador :

With reference to your courteous note No. 268, of November 20 last,³ I have the honor to inform Your Excellency that, as a result of conversations carried on between representatives of the Embassy in your distinguished charge and of the Ministry of Aeronautics, the terms of an agreement have been agreed upon for the establishment of a Civil Aeronautics Mission, comprised of personnel of the Civil Aeronautics Administration of the United States Government, and whose function will be to advise the Ministry of Aeronautics of Peru and the entities under its control concerning matters within its province.

Accordingly, I am pleased to inform Your Excellency that the Government of Peru accepts the terms of the agreement referred to, the text of which is as follows :

[See note II]

I avail myself of this occasion to renew to you, Mr. Ambassador, the assurances of my highest and most distinguished consideration.

E. GARCÍA SAYÁN

His Excellency Prentice Cooper
Ambassador Extraordinary and Plenipotentiary
of the United States of America
City

II

*The American Ambassador to the Peruvian Minister for Foreign Affairs and
Worship*

No. 302

Lima, December 27, 1946

Excellency :

With reference to Your Excellency's note No. 6-3/257 of December 27, 1946, I have the honor to inform Your Excellency that, as a result of conversations carried on between representatives of the Embassy and the Ministry of Aero-

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

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

³ Not printed by the Department of State of the United States of America.

navitics, the terms of an agreement for the establishment of a Civil Aeronautics Mission have been agreed upon. The Mission will be comprised of personnel of the Civil Aeronautics Administration of the United States Government and the functions of the Mission will be to advise the Ministry of Aeronautics of Perú and entities under its control.

In virtue of which, I am pleased to inform Your Excellency that the Government of the United States of America accepts the terms of the agreement referred to, the text of which is as follows :

CIVIL AERONAUTICS MISSION AGREEMENT

“ The Government of the United States of America and the Government of Perú in order to develop and improve civil aviation, have mutually agreed as follows :

“ 1. *General Purposes*: The Government of Perú, wishing to obtain technical assistance for the development and furtherance of its civil aviation program in all its phases, enters into this agreement with the Government of the United States of America by means of which the Government of the United States of America shall, subject to the availability of appropriated funds, designate a Civil Aeronautics Mission, composed of two technical consultants who shall submit opinions when requested by the Ministry of Aeronautics or by the Peruvian Airport Corporation, or who shall volunteer opinions when deemed advisable on subjects related to civil aviation, including the establishment of airways and other communication facilities, construction, maintenance and improvement of airports, the training of technicians and inspectors, and the preparation of aviation laws and regulations, according to the method and conditions set forth in the text of this agreement.

“ 2. *Specific Undertakings of the Government of the United States of America*:

“ a. The Mission shall be initially composed of two technical aviation consultants designated by the Secretary of Commerce of the United States of America or by his representative, the Administrator of Civil Aeronautics, to collaborate with the Government of Perú in the carrying out of the general purposes set out in Article 1 of this agreement. The members of the Mission shall be sent to Perú in accordance with the provisions of the Act of May 3, 1939 (Public No. 63, 76th Congress 53 Stat 652). Pursuant to that law the initial designation of such consultants shall be for a period of one year and the assignments may be extended for periods of six months thereafter upon request of the Government of Perú. The period of the assignments shall begin from the time of departure from the United States until return to the point of departure.¹

“ b. The Government of the United States of America agrees to give the fullest consideration to any request that the Government of Perú might make for an increase in the number of members of the Mission.

“ c. The Civil Aeronautics Mission shall have a Chief of Mission authorized to deal with the Minister of Aeronautics in Perú.

“ The members of the Mission shall be assigned in the capacity of advisors, not executives. Upon an indication by the Aeronautics Ministry of a desired objective in specific cases which require technical aid, the appropriate member of the Mission shall

¹ See p. 101 of this volume.

lend his assistance by indicating the technical measures which in his judgment should be adopted. Members of the Mission may also put forth any suggestions which they deem advisable in addition to the above-mentioned specific cases.

“ 3. *Specific Undertakings of the Government of Perú:*

“ a. The Government of Perú shall pay for the costs of travel of Mission personnel incurred outside the Capital (Lima) and its suburbs in the conduct of their duties as well as the cost of acquisition of materiel and equipment which may be deemed necessary upon the recommendation of the Mission, except as hereinafter provided. The salaries of the members of the Mission shall be paid by the Government of the United States of America.

“ b. The Government of Perú shall extend free entry or shall pay the corresponding charges for materiel and equipment necessary for the professional use of personnel of the Mission. In like manner the Government of Perú shall either grant free entry or pay corresponding duties on personal effects of Mission members according to the limitations covering members of the Diplomatic Corps accredited to the Government of Perú; for the purpose of this agreement Mission members shall be considered as having the same free entry privileges as First Secretaries in the Diplomatic Service. Duties exceeding these limits shall be paid by the personnel concerned.

“ c. Expenses of stay of Mission members up to a limit of \$2000 per person per year shall be repaid to the Government of the United States of America at the end of each six months period by the Government of Perú.

“ d. Whenever it becomes necessary to utilize automotive transportation for the carrying out of the functions of the Mission, the Government of Perú shall supply the necessary vehicles subject to limitations imposed by local conditions.

“ e. The Government of Perú shall supply to the Mission duly equipped offices and adequate bilingual stenographic personnel and other necessary employees and shall pay the cost of such offices and personnel.

“ f. The Government of Perú assumes the obligation of paying any civil liability incurred for third person or property damages caused involuntarily by Mission personnel within the scope of their duties.

“ g. The Government of Perú undertakes to provide the necessary documentation which might be required for the return of the remains of any Mission member should he die in Perú.

“ 4. *Recall of Personnel:* Each Government reserves the right to recall any of its personnel involved in the performance of this agreement with the understanding that the Government of the United States of America shall maintain a minimum of two Mission members excepting emergencies, and the Government of Perú shall maintain an adequate and capable auxiliary staff.

“ 5. *Secret and Confidential Matters:* Mission personnel, during the time it is in operation and thereafter, undertake not to divulge or reveal in any form or to any foreign Government or person confidential or secret matters of which they may become cognizant in the exercise of their duties under this agreement.

“ 6. *Submission to Peruvian Law:* Members of the Mission during their stay in Peruvian territory shall be subject to Peruvian Law.

“ 7. *Modifications*: This agreement may be modified in whole or in part by an exchange of notes between the two Governments.

“ 8. *Force and Duration*: This agreement shall become effective upon an exchange of notes between the two Governments and shall continue in effect for a period of three years to be computed from the day of departure of the Mission personnel from the United States of America. Either Government may terminate this agreement by giving 60 days advance notice in writing to the other Government. It may also be extended by an exchange of notes.”

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

Prentice COOPER

His Excellency Sr. Dr. Don Enrique García Sayán
Minister for Foreign Affairs
Lima

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹
 BETWEEN THE UNITED STATES OF AMERICA AND
 PERU AMENDING THE AGREEMENT OF 27 DECEMBER
 1946² RELATING TO A CIVIL AVIATION MISSION TO
 PERU. LIMA, 28 AUGUST AND 11 NOVEMBER 1947

I

*The American Ambassador to the Peruvian Acting Minister for Foreign Affairs
 and Worship*

EMBASSY OF THE UNITED STATES OF AMERICA

No. 677

Lima, August 28, 1947

Excellency :

I have the honor to refer to my note No. 676 of August 28, 1947,³ requesting approval of the assignment of Mr. Harold L. Crutcher to the Civil Aviation Mission as the member specializing in Meteorology.

It is proposed that Mr. Crutcher's assignment to Perú be made under authority of the Act of August 9, 1939 (Public Law 355-76th Congress)⁴ and the appropriation act for the fiscal year 1948 "Cooperation with American Republics"⁵ instead of under Public Law 63⁶ as provided in Paragraph 2 (a) of the agreement providing for a Civil Aviation Mission to Perú (accomplished by exchange of Your Excellency's note No. (D) 6-3/257 and my note No. 302 of December 27, 1946).²

It is requested therefore that Your Excellency consider modifying Paragraph 2 (a) of that agreement to read as follows :

" a. The Mission shall be initially composed of two technical aviation consultants designated by the Secretary of Commerce of the United States of America or his representative, the Administrator of Civil Aeronautics, to collaborate with the Government of Perú in the carrying out of the general purposes set out in Article 1 of this agreement. The members of the Mission shall be sent to Perú in accordance with the provisions of the Act of May 3, 1939 (Public No. 63, 76th Congress, 53 Stat. 652) or other appropriate legislation. Assignments effected under the Act of May 3, 1939 shall be for periods of

¹ Came into force on 11 November 1947, by the exchange of the said notes.

² See p. 94 of this volume.

³ Not printed by the Department of State of the United States of America.

⁴ United States of America : 53 Stat. 1290.

⁵ United States of America : 61 Stat. 286.

⁶ United States of America : 53 Stat. 652.

one year each, and such assignments may be extended for periods of six months thereafter, in each case upon the request of the Government of Perú. The period of all assignments shall begin from the time of departure from the United States until return to the point of departure ”.

Should Your Excellency deem it appropriate, this note together with Your Excellency's note in reply will be considered as a modification of that agreement by both our Governments insofar as Paragraph 2 (a) only is concerned.

I avail myself of this occasion to extend to Your Excellency the renewed assurances of my highest and most distinguished consideration.

Prentice COOPER

His Excellency Dr. Luis Echeopar García
Acting Minister for Foreign Affairs
Lima

II

The Peruvian Minister for Foreign Affairs and Worship to the American Ambassador

[SPANISH TEXT — TEXTE ESPAGNOL]

[TRANSLATION¹ — TRADUCTION²]

MINISTERIO DE RELACIONES EXTERIORES
Y CULTO

MINISTRY OF FOREIGN AFFAIRS
AND WORSHIP

Nº (D) 6-3/110.

No. (D) 6-3/110.

Lima, 11 de noviembre de 1947

Lima, November 11, 1947

Señor Embajador :

Mr. Ambassador :

Tengo a honra referirme a las atentas notas de Vuestra Excelencia Nos. 676 y 677, de 28 de agosto último, en las que se sirve transmitirme la proposición de su Gobierno para designar al señor Harold L. Crutcher, como miembro de la Misión de Aviación Civil en el Perú de acuerdo con la petición que formulara el Ministerio de Aeronáutica y que transmití a Vuestra Excelencia en mi nota Nº 6-3/26, de 2 de abril último.

I have the honor to refer to Your Excellency's courteous notes Nos. 676 and 677, of August 28 last, in which you were good enough to transmit to me your Government's proposal to appoint Mr. Harold L. Crutcher a member of the Civil Aviation Mission in Perú, in accordance with the request made by the Air Ministry, which I transmitted to Your Excellency in my note No. 6-3/26, of April 2 last.

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

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

Como Vuestra Excelencia en su nota N° 677, mencionada, se sirvió proponer en nombre de su Gobierno, que la designación del señor Crutcher se haría de conformidad con la Ley Pública N° 355-76 Congreso y la Ley de Presupuesto para el año Fiscal de 1948 y no conforme a la Ley N° 63, lo que entraña una modificación al párrafo 2° del Acuerdo sobre la Misión de Aviación Civil en el Perú, el Ministerio de Aeronáutica se ha pronunciado aceptando la modificación propuesta.

Aprovecho la oportunidad para reiterarle las seguridades de mi más alta y distinguida consideración.

E. GARCÍA SAYÁN

Al Excelentísimo señor
Prentice Cooper
Embajador Extraordinario y
Plenipotenciario
de los Estados Unidos de América
Ciudad

Since Your Excellency, in your note No. 677, above-mentioned, was good enough to propose, in the name of your Government, that Mr. Crutcher's assignment be made in conformity with Public Law No. 355-76th Congress, and the Appropriation Act for the fiscal year 1948, and not in conformity with Law No. 63, which involves a modification of paragraph 2 of the Agreement on the Civil Aviation Mission in Perú, the Air Ministry has expressed its acceptance of the proposed modification.

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

E. GARCÍA SAYÁN

His Excellency
Prentice Cooper
Ambassador Extraordinary and
Plenipotentiary
of the United States of America
City