

No. 2669

**UNITED STATES OF AMERICA
and
HONDURAS**

**Exchange of notes constituting an agreement relating to
flights of military aircraft. Tegucigalpa, 22 January,
20 March and 23 April 1952**

Official texts: English and Spanish.

Registered by the United States of America on 15 September 1954.

**ÉTATS-UNIS D'AMÉRIQUE
et
HONDURAS**

**Échange de notes constituant un accord relatif aux vols
effectués par les aéronefs militaires. Tegucigalpa,
22 janvier, 20 mars et 23 avril 1952**

Textes officiels anglais et espagnol.

Enregistré par les États-Unis d'Amérique le 15 septembre 1954.

No. 2669. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND HONDURAS RELATING TO FLIGHTS OF MILITARY AIRCRAFT. TEGUCIGALPA, 22 JANUARY, 20 MARCH AND 23 APRIL 1952

I

The American Ambassador to the Honduran Minister for Foreign Affairs

Tegucigalpa, D. C., January 22, 1952

No. 108

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 Honduras 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 Honduras 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 Honduras means aircraft of the Honduran Air Force.

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.

¹ Came into force on 23 April 1952, by the exchange of the said notes.

(2) Notification procedures will follow current practice of filing a standard flight plan in accordance with appropriate ICAO¹ Standards and Recommended Practices.

(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 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 18, 1941, and other informal arrangements entered into by the Government of Honduras. 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 Honduras, the Government

¹ International Civil Aviation Organization.

of the United States of America will consider that this note and Your Excellency's 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.

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

John D. ERWIN

His Excellency Dr. J. Edgardo Valenzuela
Minister for Foreign Affairs
Tegucigalpa, D. C.

II

The Honduran Minister for Foreign Affairs to the American Ambassador

[SPANISH TEXT — TEXTE ESPAGNOL]

SECRETARÍA DE RELACIONES EXTERIORES
DE LA REPÚBLICA DE HONDURAS

Palacio nacional
Tegucigalpa, D.C., 20 de marzo de 1952

No. 17595.-A.G.

Señor Embajador :

Tengo el honor de acusar recibo a Vuestra Excelencia de su nota No. 108, fechada el 22 del mes en curso,¹ en la que se sirve expresar, que su Gobierno considera conveniente efectuar un intercambio de notas entre nuestros dos Gobiernos, con el fin de hacer posible el libre movimiento de aviación militar de cada uno de los dos países a través de sus respectivos espacios aéreos.

Las bases sobre las cuales se propone dicho intercambio de notas, las detalla Vuestra Excelencia en los términos siguientes :

I.—El Gobierno de los Estados Unidos de América y el Gobierno de Honduras se conceden mutuamente el derecho de tránsito aéreo y parada técnica militares, sujetos a las disposiciones y reglamentaciones establecidas o estipuladas en el presente Convenio. Para los efectos de este Convenio, debe entenderse por « derecho de tránsito aéreo y parada técnica militares » el derecho de cada Gobierno de operar sus aviones militares de tal manera que puedan entrar, sobrevolar y salir del territorio soberano del otro Gobierno, así como el de que aterricen y acuatiquen los mismos en los aeródromos terrestres y áreas de acuatizaje bajo el control soberano

¹ The following information is given by the Department of State of the United States of America (*Treaties and Other International Acts Series 2502*): "Should read '22 de enero'."

[TRANSLATION¹ — TRADUCTION²]

OFFICE OF FOREIGN AFFAIRS
OF THE REPUBLIC OF HONDURAS

National Palace
Tegucigalpa, D.C., March 20 1952

No. 17595.-A.G.

Mr. Ambassador :

I have the honor to acknowledge the receipt of Your Excellency's note No. 108, dated the 22d of this month,³ in which you are good enough to state that your Government considers it desirable to effect an exchange of notes between our two Governments in order to make possible the free movement of military aircraft of each country through the airspace of the other.

The basis on which the said exchange of notes is proposed is specified by Your Excellency in the following terms :

[*See note I*]

Your Excellency adds that this exchange of notes voids the existing emergency permission issued to the United States on December 18, 1941, and other informal arrangements entered into by the Government of Honduras, and that 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; and that 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.

In reply I take pleasure in informing Your Excellency that the Government of Honduras accepts the foregoing proposal with the single change, which it considers necessary, of adding the following clause at the end of Article VII : "and in the regulations which to the same effect the Government of Honduras may issue."

If Your Excellency's Government agrees to the inclusion of that final clause the said agreement will enter into force immediately on the date of your affirmative reply.

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

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

³ The following information is given by the Department of State of the United States of America (*Treaties and Other International Acts Series 2502*) : "Should read 'January 22'."

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

J. E. VALENZUELA

His Excellency John D. Erwin
Ambassador Extraordinary and Plenipotentiary
of the United States of America
American Embassy
City

III

The American Ambassador to the Honduran Minister for Foreign Affairs

THE FOREIGN SERVICE OF THE UNITED STATES OF AMERICA

Tegucigalpa, D. C., April 23, 1952

No. 158

Excellency :

Under instructions from my Government I have the honor to state that my Government approves the addition of the phrase "and in the regulations which to the same effect the Government of Honduras may issue" (y en los reglamentos que para el mismo efecto emita el Gobierno de Honduras) to Article VII of the exchange of notes proposed in the Embassy's note No. 108 of January 22, 1952. This change was requested by Your Excellency in note No. 17595 of March 20, 1952.

The Government of the United States of America considers that the present note, the Embassy's note No. 108 of January 22, 1952, and Your Excellency's note No. 17595 of March 20, 1952 taken together constitute an Agreement between our Governments upon the subject covered therein and that this Agreement enters into force as of this date.

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

John D. ERWIN

His Excellency Dr. J. Edgardo Valenzuela
Minister for Foreign Affairs
Tegucigalpa, D. C.