

No. 2697

NETHERLANDS
and
REPUBLIC OF KOREA

Exchange of notes (with annexed Regulations) constituting a provisional air transport agreement. Seoul, 25 September and 28 October 1953, and Pusan, 26 October 1953

Official text: English.

Registered by the International Civil Aviation Organization on 18 October 1954.

PAYS-BAS
et
RÉPUBLIQUE DE CORÉE

Échange de notes (avec Règlement en annexe) constituant un accord provisoire relatif aux transports aériens. Séoul, 25 septembre et 28 octobre 1953, et Pusan, 26 octobre 1953

Texte officiel anglais.

Enregistré par l'Organisation de l'aviation civile internationale le 18 octobre 1954.

No. 2697. EXCHANGE OF NOTES CONSTITUTING A PROVISIONAL AIR TRANSPORT AGREEMENT¹ BETWEEN THE NETHERLANDS AND THE REPUBLIC OF KOREA. SEOUL, 25 SEPTEMBER AND 28 OCTOBER 1953, AND PUSAN, 26 OCTOBER 1953

I

The Acting Minister of Foreign Affairs of the Republic of Korea to the Representative of the Netherlands to the United Nations Commission for the Unification and Rehabilitation of Korea

September 25, 1953

Sir,

I have the pleasure of referring to your letter of September 5, 1953 and the letter of Dr. A. Plesman, President of KLM Royal Dutch Airlines dated August 4, 1953 both addressed to His Excellency, President of the Republic of Korea which have been referred to this Ministry for reply.

I consider it great honour to inform you that at the direction of President and after consultation with Minister of Transportation of the Republic of Korea, the Government of the Republic of Korea is prepared to grant permission for KLM Royal Dutch Airlines to extend its services to Korea. The permission which consists of Landing Permit and Aviation Business License will be granted to KLM Royal Dutch Airlines on the following terms :

- a) Any airlines of Korean nationality, such as Korean National Airlines, be accorded by the Government of Netherlands, on reciprocal basis, the same treatment, permission, privileges, etc. as will be accorded to KLM Royal Dutch Airlines by Korean Government, should such airlines mentioned above desire to extend its services to Netherlands in the future.
- b) Airlines of either Korea or Netherlands desiring to extend their services to Netherlands or Korea shall be so designated and approved by their respective Government. Such designation and approval shall then be notified to the other Government by the Government to which the airlines so designated and approved belong.

¹ Came into force on 1 November 1953, in accordance with the terms of the said notes.

- c) KLM Royal Dutch Airlines shall arrange its flights courses in such a manner that one of the two flights which the Airlines is presently operating to Far East should land at Pusan (or Seoul), Korea first before Tokyo, Japan. It will, in principle, make landing in Korea either at Pusan or Seoul as may be mutually agreed upon.
- d) KLM Royal Dutch Airlines shall take every precautionary action and render its effective cooperation to the authorities of Korean Government in order to prevent any smuggling acts into and out of Korea through the use of its Airlines services.
- e) KLM Royal Dutch Airlines will be required to carry out normal airlines functions, such as loading and unloading passengers, mails, freights, etc. Its operations will be governed by the provisions of Convention on International Civil Aviation signed at Chicago, U.S.A. on December 7, 1944.¹ Any other particulars including schedule of flights, change and extension of courses, etc. relating to the operations of KLM Royal Dutch Airlines will be consulted and agreed upon, whenever necessary, between the Government of the Republic of Korea and the Government of Netherlands.

The letter of Dr. A. Plesman, President of KLM Royal Dutch Airlines dated August 4, 1953 is hereby considered as Application for Landing Permit and this note be considered as granting the said Landing Permit effective November 1, 1953, provided that the Airlines submit Application for Aviation Business License to the Ministry of Transportation through this Ministry not later than November 1, 1953. The Application should contain such information as required under Article 116, Chapter 8, of the Regulations for enforcing Aviation Law of Korea whose translation is herewith enclosed² for the Airlines' reference.

If you or other diplomatic representative from your Government will confirm, on behalf of the Government of Netherlands, the acceptance of the aforementioned terms of this note, then this note and your confirming note will constitute the Provisional Air Transport Agreement between the Government of the Republic of Korea and the Government of Netherlands which will remain effective until October 31, 1954, i.e. for one full year, and by virtue of which the Landing Permit and Aviation Business License are being granted to KLM Royal Dutch Airlines.

The Agreement may be renewed before its expiration date by further exchange of diplomatic notes between the Government of the Republic of Korea and the Government of Netherlands upon being so proposed by either of the two Governments.

¹ United Nations, *Treaty Series*, Vol. 15, p. 295; Vol. 26, p. 420; Vol. 32, p. 402; Vol. 33, p. 352; Vol. 44, p. 346; Vol. 51, p. 336; Vol. 139, p. 469; Vol. 178, p. 418, and Vol. 199, p. 362.

² See p. 103 of this volume.

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

(Signed) Chung W. CHO
Acting Foreign Minister
Republic of Korea

The Honourable Dr. B. J. Slingenberg
Netherlands Delegate to UNCURK
Pusan

REGULATIONS FOR ENFORCING AVIATION LAW OF KOREA

CHAPTER VIII — AVIATION BUSINESS

Article 116

Individual(s) desiring to engage in business through the use of airplanes shall submit to Minister of Transportation Application for Aviation Business License accompanied by papers which contain the following information :

- 1) Purpose of business.
- 2) Address and full name or title of business manager.
- 3) Flight courses (starting point, points of intermediate stops, point of last stop and distances) or flight areas.
- 4) Kinds, types, numbers and stationary depot of the airplanes in usc.
- 5) Kinds and numbers of officers and personnel of the airplanes.
- 6) Business plans.
- 7) Estimated date of commencing business.
- 8) Other informational remarks.

If individual(s) desiring to engage in business through the use of airplanes is (are) company or other juridical person, copy of the Articles of Association or documents corresponding to the Articles shall be attached to the Application in addition to the afore-mentioned papers.

II

The Representative of the Netherlands to the United Nations Commission for the Unification and Rehabilitation of Korea to the Minister of Foreign Affairs of the Republic of Korea

Pusan, October 26th. 1953

Sir,

I have the honour to refer to the note of September 25th. 1953 of the acting Foreign Minister of the Republic of Korea, by which Dr. Cho informed me that

at the direction of His Excellency President Syngman Rhee and after consultation with the Minister of Transportation of the Republic of Korea, the Government of the Republic of Korea is prepared to grant permission to KLM Royal Dutch Airlines to extend its services to Korea.

Upon instruction received from the Minister of Foreign Affairs of the Netherlands I herewith have the honour to confirm on behalf of the Government of the Kingdom of the Netherlands the acceptance of the terms of the above-mentioned note, thereby constituting a Provisional Air Transport Agreement between the Government of the Kingdom of the Netherlands and the Government of the Republic of Korea, which will remain effective until October 31, 1954, i.e. for one full year.

It is understood that the Agreement may be renewed before its expiration date by further exchange of diplomatic notes between the Government of the Kingdom of the Netherlands and the Government of the Republic of Korea, upon being so proposed by either of the two Governments.

In connection with the above I have great pleasure in enclosing herewith a letter from Dr. A. Plesman, President of KLM Royal Dutch Airlines, to the Minister of Transportation of the Republic of Korea, with attached the Application for Aviation Business License for KLM Royal Dutch Airlines signed by the President of the Company, Dr. A. Plesman, on October 16th. 1953 and the Articles of Association of the Company.

I also beg to enclose herewith a Certificate signed by the Netherlands Minister of Transport and Waterstaat, Mr. J. Algera, containing his declaration that KLM Royal Dutch Airlines are authorized to operate regular air-services from the Netherlands to Korea and beyond via intermediate points in Europe, the Near East and the Middle East, in both directions.

I shall highly appreciate if these enclosures could be transmitted to the Minister of Transportation of the Republic of Korea through your kind intermediary.

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

The Representative for the Netherlands in U.N.C.U.R.K.
(Signed) B. J. SLINGENBERG

To the Honourable Pyun Yong t'ae
Minister of Foreign Affairs of the Republic of Korea
Seoul

III

The Minister of Foreign Affairs of the Republic of Korea to the Representative of the Netherlands to the United Nations Commission for the Unification and Rehabilitation of Korea

October 28, 1953

Sir,

I have the honour to acknowledge, on behalf of the Government of the Republic of Korea, the receipt of your note dated October 26, 1953 in which you confirmed, on behalf of the Government of the Kingdom of the Netherlands, the acceptance of the terms set forth in this Ministry's note of September 25, 1953 concerning Provisional Air Transport Agreement between the Government of the Republic of Korea and the Government of the Kingdom of the Netherlands.

I have also duly received a letter from Dr. A. Plesman, President of KLM Royal Dutch Airlines, to the Minister of Transportation of the Republic of Korea, the Application for Aviation Business License, Articles of Association of the Company, as well as a Certificate signed by the Netherlands Minister of Transport and Waterstaat which were enclosed with your note. The enclosures will be transmitted to the Minister of Transportation of the Republic of Korea in compliance with your request.

We are looking forward, with great pleasure, toward to the extension of services of your famed KLM Royal Dutch Airlines to Korea and desire to wish for them continued success in their efforts to unite all peoples by means of air transport. We shall be happy to cooperate with them in any way we can.

Accept, Sir, the assurances of my highest consideration.

(Signed) Y. T. PYUN
Yung Tai Pyun
Minister of Foreign Affairs

The Honourable Dr. B. J. Slingenberg
Netherlands Delegate to UNCURK
Pusan