

No. 5633

**CANADA
and
FEDERAL REPUBLIC OF GERMANY**

**Exchange of notes (with appendix) constituting an agreement respecting the contract for the purchase of F-86 Aircraft and the training of German Aircrew in Canada.
Bonn, 17 September and 10 December 1956**

Official texts: English and German.

Registered by Canada on 21 March 1961.

**CANADA
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

**Échange de notes (avec appendice) constituant un accord concernant le contrat relatif à l'achat d'avions F-86 et la formation d'aviateurs allemands au Canada.
Bonn, 17 septembre et 10 décembre 1956**

Textes officiels anglais et allemand.

Enregistré par le Canada le 21 mars 1961.

No. 5633. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN CANADA AND THE FEDERAL REPUBLIC OF GERMANY RESPECTING THE CONTRACT FOR THE PURCHASE OF F-86 AIRCRAFT AND THE TRAINING OF GERMAN AIRCREW IN CANADA. BONN, 17 SEPTEMBER AND 10 DECEMBER 1956

I

*The Canadian Ambassador to the Federal Republic of Germany
to the Foreign Minister of the Federal Republic of Germany*

CANADIAN EMBASSY

Bonn, Germany, September 17, 1956

No. 100

Excellency,

It is the understanding of the Government of Canada that the Government of the Federal Republic of Germany intends to purchase 225 Sabre VI aircraft in Canada from Canadair Limited and consequently desires that the Government of Canada make available to trainees of the German Air Force certain pilot training facilities from within the resources of the Royal Canadian Air Force to accommodate an intake of up to 360 student pilots.

The Government of Canada will in the near future have fulfilled its commitments to provide aircrew training to assist in the build-up of the air forces of certain of the parties to the North Atlantic Treaty² and recently decided to divert facilities now employed in this way to purposes related to the defence of North America within the framework of the North Atlantic Treaty. However, the Government of Canada, being aware of the urgent problems facing the Government of the Federal Republic in building up its air force and having in mind the intended purchase of Canadian aircraft by the Government of the Federal Republic, has recently reviewed its air training plans and is prepared to postpone the closing down or diversion of certain air training facilities now employed in NATO aircrew training for a period sufficient to implement the proposal contained herein for the provision of pilot training for the German air force.

The Government of Canada wishes to emphasize that if this proposal is accepted its implementation will result in a delay in the formation of additional

¹ Came into force on 10 December 1956 by the exchange of the said notes.

² United Nations, *Treaty Series*, Vol. 34, p. 243; Vol. 126, p. 350, and Vol. 243, p. 308.

operational squadrons which the Government of Canada has agreed to establish. The appropriate NATO military authorities will be requested to concur in this delay if the proposal of the Government of Canada is accepted by the Government of the Federal Republic.

The Government of Canada is prepared to accept German trainees in the present NATO air training scheme as soon as vacancies occur from the completion of the training of other NATO candidates, and is also prepared to prolong the operation of the present NATO air training establishment for the period necessary to complete the training of the 360 trainees provided the Government of the Federal Republic reimburses the Canadian Government for the additional costs of maintaining this establishment for the required period of time. The Canadian Government is prepared to determine in advance the amount to be reimbursed as \$12 million.

The detailed terms and conditions of this offer of training by the Government of Canada are shown in Appendix "A"¹ to this note. These are based upon the practice developed in the training of other NATO pilots in Canada.

Insofar as they are not inconsistent with this proposal, the provisions of the agreement between the parties to the North Atlantic Treaty regarding the status of their forces, signed on June 19, 1951² shall govern the relations between the Governments of Canada and the Federal Republic of Germany as receiving and sending states with respect to members of the German air force present in Canada pursuant to this proposal and the status' rights and obligations of such force and its members.

If the foregoing is acceptable to the Government of the Federal Republic of Germany, I propose that this note and your reply to that effect shall constitute an agreement between our Governments, to become effective on the date of your reply.

Accept, Excellency, the renewed assurances of my highest consideration.

C. S. A. RITCHIE

His Excellency Dr. Heinrich von Brentano
Foreign Minister
Bonn

APPENDIX "A"

- (a) The Government of the Federal Republic shall ensure that prospective trainees when received for training by the Royal Canadian Air Force shall have achieved a sufficient standard of academic proficiency, and have the necessary knowledge of the English language, to enable them to absorb all instruction in English.

¹ See below.

²United Nations, *Treaty Series*, Vol. 199, p. 67; Vol. 200, p. 340; Vol. 260, p. 452, and Vol. 286, p. 380.

- (b) The trainees shall be required to meet such minimum physical and other standards as are required to undergo training in Royal Canadian Air Force establishments.
- (c) The German Air Force shall issue appropriate service orders to ensure that trainees shall be subject to the control and orders of personnel of the Royal Canadian Air Force of appropriate appointment or rank.
- (d) The German Air Force shall station at suitable locations in Canada adequate administrative and disciplinary staff and liaison personnel.
- (e) The training course for trainees shall be based on that laid down for trainees of the Royal Canadian Air Force up to Royal Canadian Air Force wings standard.
- (f) Trainees shall undergo their course of training in accordance with the Schedule attached hereto and forming part hereof and shall, unless otherwise arranged, be despatched to Canada at such times as are specified therein.
- (g) The number of trainees accepted for pilot training will be 360, the first entries to commence in September 1957 and the training to be completed in approximately April 1959.
- (h) The competent authorities of the Royal Canadian Air Force may cease the training of any trainee at any time for such cause as would result in similar action in the case of a Royal Canadian Air Force trainee.
- (i) Trainees who are required to cease training for any reason whatsoever shall be repatriated with the least possible delay by the Federal Republic.
- (j) All trainees, while undergoing training in Canada under this proposal, shall be accorded the privileges and have the status of flight cadets in the Royal Canadian Air Force, except that officers, insofar as accommodation and facilities exist, will be accorded the privileges and status of officers in the Royal Canadian Air Force.
- (k) The Government of the Federal Republic shall accept financial responsibility for death, injury or damage suffered by trainees arising out of or attributable to the course of training and shall indemnify and save harmless the Government of Canada, its officers and servants, including members of the Canadian forces, from any or all claims relating thereto.
- (l) The Government of Canada shall provide :
 - (i) transportation for trainees within Canada for duty purposes;
 - (ii) rations and quarters for trainees in Canada;
 - (iii) medical and dental services and hospital care for trainees but only to the extent that such services and care are made available to trainees of the Royal Canadian Air Force; and
 - (iv) special flying and training equipment required by trainees in connection with their training on a loan basis.
- (m) The Federal Republic shall :
 - (i) arrange for and pay the costs of the transportation of trainees from Germany to a designated port of disembarkation in Canada and return to Germany from a designated port of embarkation in Canada;
 - (ii) arrange for the payment of, and pay, all pay and allowances and other emoluments payable to trainees as members of the German Air Force;

- (iii) provide uniforms and all necessary military kit and equipment to trainees except as provided in paragraph (i) (iv) hereof; and
- (iv) ensure that all trainees are supplied or supply themselves with adequate civilian clothing to enable them to comply with the custom of the Royal Canadian Air Force in respect of the wearing of civilian clothing.

II

*The Foreign Minister of the Federal Republic of Germany
to the Ambassador of Canada to the Federal Republic of Germany*

[GERMAN TEXT — TEXTE ALLEMAND]

DER BUNDESMINISTER DES AUSWÄRTIGEN

Bonn, den 10. Dezember 1956

Exzellenz,

Ich beehre mich, auf mein Schreiben vom 3. Oktober 1956 Bezug zu nehmen, in welchem ich mir erlaubt hatte, Sie unter dem Vorbehalt des Vorliegens der erforderlichen Genehmigungen von der deutschen Absicht zu unterrichten, 225 Flugzeuge vom Typ Sabre VI in Kanada zu erwerben.

Nachdem ich soeben dahingehend unterrichtet worden bin, dass am 7. Dezember 1956 zwischen Vertretern des Bundesverteidigungsministeriums und des Bundesfinanzministeriums einerseits und Vertretern der Firma Canadair andererseits eine Einigung über den Wortlaut eines entsprechenden Kaufvertrages erzielt worden ist und dass das formelle Verfahren der Unterzeichnung dieses Vertrages voraussichtlich nur noch wenige Tage in Anspruch nehmen wird, bin ich in der Lage, Ihnen mitzuteilen, dass die Regierung der Bundesrepublik Deutschland den Vorschlag der Kanadischen Regierung, deutsche Flugschüler in Ausbildungseinrichtungen der Königlich Kanadischen Luftwaffe unter den in Ihrer Note Nr. 100 vom 17. September 1956 und in dem der Note beigefügten Anhang A dargelegten Bedingungen auszubilden, dankend annimmt.

Ich habe die Ehre, Ihnen zu bestätigen, dass diese Note in Verbindung mit Ihrer vorgenannten Note Nr. 100 vom 17. September 1956 und mit dem der Note beigefügten Anhang A ein Abkommen zwischen der Regierung der Bundesrepublik Deutschland und der Regierung Kanadas darstellt, das mit dem Datum dieser Note in Kraft tritt.

Ich benutze die Gelegenheit, die Befriedigung meiner Regierung über den Abschluss dieser Vereinbarung zum Ausdruck zu bringen, welche im Geiste der Atlantischen Zusammenarbeit zur weiteren Stärkung der freundschaftlichen

Beziehungen zwischen Kanada und der Bundesrepublik Deutschland beitragen wird.

Genehmigen Sie, Exzellenz, die erneute Versicherung meiner ausgezeichnetsten Hochachtung.

BRENTANO

[TRANSLATION¹ — TRADUCTION²]

FEDERAL MINISTER EXTERNAL AFFAIRS

December 10, 1956

Excellency,

I have the honour to refer to my communication of October 3, 1956,³ in which I took the opportunity to inform you of the German intention, provided the required approval was obtained, to acquire 225 aircraft of the Sabre VI type in Canada.

Since I have just been advised that on December 7, 1956, agreement was reached about the text of an appropriate purchase contract between representatives of The Federal Defence Ministry and The Federal Finance Ministry on the one side and representatives of the Canadian firm on the other and that the formal procedure for the signature of this contract presumably would take only a few more days, I am in the position to inform you that the Government of The Federal Republic of Germany gratefully accepts the proposal of The Canadian Government to train German student pilots in establishments of The Royal Canadian Air Force under the conditions set forth in your Note number 100 of September 17, 1956, and in Appendix "A" attached to the Note.

I have the honour to confirm that this Note in conjunction with your aforementioned Note number 100 of September 17, 1956, and with Appendix "A" of the Note constitutes an agreement between the Government of the German Federal Republic and The Government of Canada which enters into effect on the date of this Note.

I take the opportunity to express the satisfaction of my government at the conclusion of this agreement which will contribute to the further strengthening of the friendly relations between Canada and The Federal Republic of Germany in the spirit of The Atlantic Cooperation.

Accept, Excellency, renewed assurances of my highest consideration.

His Excellency The Ambassador of Canada
Mr. Charles S. A. Ritchie
Bonn

BRENTANO

¹ Translation by the Government of Canada.

² Traduction du Gouvernement canadien.

³ According to the information provided by Canada this communication is an interim acknowledgment to note I above.