

No. 12227

**UNITED STATES OF AMERICA
and
BARBADOS**

**Exchange of notes constituting an understanding relating to
air transport services. Bridgetown, 14 and 27 April 1972**

Authentic text: English.

Registered by the United States of America on 29 December 1972.

**ÉTATS-UNIS D'AMÉRIQUE
et
BARBADE**

**Échange de notes constituant un arrangement relatif aux
services de transport aérien. Bridgetown, 14 et 27 avril
1972**

Texte authentique : anglais.

Enregistré par les États-Unis d'Amérique le 29 décembre 1972.

EXCHANGE OF NOTES CONSTITUTING AN UNDERSTANDING¹ BETWEEN THE UNITED STATES OF AMERICA AND BARBADOS RELATING TO AIR TRANSPORT SERVICES

I

No. 38

The Embassy of the United States of America presents its compliments to the Ministry of External Affairs of Barbados and has the honor to refer to discussions held April 13 and 14, 1972, in Barbados between representatives of the Governments of Barbados and the United States of America concerning air transport relations between the two countries. These representatives reached the following Understanding:

1. Air transport relations should be established on the basis of an air transport agreement between the two Governments within a framework designed to meet the concerns and interests of the two Governments.

2. The two Governments will commence negotiations for an air transport agreement (which may not include a route schedule) in Washington on 19th June, 1972. The agreement will be based on the Bermuda principles.

3. Discussions will also be held between the two Governments concerning a framework within which to treat the question of substantial ownership and effective control of national airlines. These discussions will take place during the negotiations for an air transport agreement.

4. After these discussions have taken place, and if the Barbados Government has indicated that there is a Barbadian airline interested in operating to the United States, negotiations for the formal exchange of route rights will take place at the time of the negotiations mentioned in paragraph 2 above.

5. In any event, negotiations for the formal exchange of route rights will commence not later than three months after Barbados has indicated that there is a Barbadian airline interested in operating to the United States.

6. The Barbados Government grants to the United States Government the following route rights to be exercised by United States designated and approved airlines:

- (a) New York/Bridgetown/Port of Spain and return;
- (b) Miami/San Juan/Antigua/Bridgetown and return;
- (c) San Juan/St. Thomas/St. Croix/St. Marten/Antigua/Guadeloupe/Martinique/St. Lucia/Bridgetown and return.

In the exercise of these rights, the airlines will operate scheduled services. These rights will continue in force until a route schedule to the Air Transport Agreement is established and becomes effective. The Government of Barbados, however, may withdraw any or all of these rights if the negotiations for an air transport agreement, including the route schedule to such agreement, fail to reach a satisfactory conclusion within a reasonable time of their commencement.

7. The grant of the above rights shall be without prejudice to any negotiations for an air transport agreement, including the route schedule to such agreement.

8. The exercise of the rights granted in paragraph 6 above will be subject to the following understandings:

¹ Came into force on 27 April 1972, the date of the note in reply, in accordance with the provisions of the said notes.

(a) Consistent with article 11 of the Chicago Convention¹ United States airlines will comply with the provisions of the Air Navigation (Licensing of Air Services) Regulations, 1959, of Barbados and with all other applicable laws and regulations of Barbados;

(b) The fares and rates to be charged by the United States airlines between Barbados and the various points on the routes operated by them shall be submitted to and be approved by the Air Transport Licensing Authority of Barbados before they are put into effect; it being understood that, without prejudice to the right to take unilateral action, informal consultations between the respective authorities on each side would be a suitable means of attempting to resolve any differences which might arise.

This Understanding is acceptable to the Government of the United States. If it is also acceptable to the Government of Barbados, the Embassy has the honor to propose that this note, and the Ministry's reply thereto to that effect, constitute an understanding between the two Governments, which shall enter into force on the date of the Ministry's reply.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of External Affairs of Barbados the assurances of its highest consideration.

Embassy of the United States of America

Bridgetown, April 14, 1972.

II

No. 3032/8 Vol. IV

The Ministry of External Affairs of Barbados presents its compliments to the Embassy of the United States of America and has the honour to refer to the Embassy's note No. 38 of 14th April, 1972, which note reads as follows:

[See note I]

At the discussions which were held on 13th and 14th April, the representatives of the two Governments agreed that under paragraph 6 of the Understanding set out above, the Government of Barbados may withdraw any or all of the rights mentioned in that paragraph where the Government of the United States failed to sign the Air Transport Agreement within a reasonable time after it had been negotiated and initialled by representatives of the two Governments.

The Ministry of External Affairs has the honour to state that the agreement referred to in paragraph 2 of this note and the Understanding which is set out in the Embassy's note under reference, are acceptable to the Government of Barbados. Accordingly, the Embassy's note and this note will be regarded by the Government of Barbados as constituting an understanding between the two Governments, which shall enter into force on this day's date.

The Ministry of External Affairs of Barbados avails itself of this opportunity to renew to the Embassy of the United States of America the assurances of its highest consideration.

Ministry of External Affairs, Barbados

April 27, 1972.

¹ United Nations, *Treaty Series*, vol. 15, p. 295. For the texts of the Protocols amending this Convention, see vol. 320, pp. 209 and 217; vol. 418, p. 161; vol. 514, p. 209, and vol. 740, p. 21.