

No. 55142*

**Canada
and
United Republic of Tanzania**

Exchange of notes between the Government of Canada and the Government of the United Republic of Tanzania concerning liability for damages in connection with a programme for flight training in Canada of pilots of the Tanzanian People's Defence Force. Ottawa, 19 December 1974 and 2 January 1975

Entry into force: *2 January 1975 by the exchange of the said notes, in accordance with their provisions*

Authentic texts: *English and French*

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**Canada
et
République-Unie de Tanzanie**

Échange de notes entre le Gouvernement du Canada et le Gouvernement de la République-Unie de Tanzanie au sujet de la responsabilité pour dommages en rapport avec un programme d'entraînement des pilotes de la force de défense populaire de Tanzanie. Ottawa, 19 décembre 1974 et 2 janvier 1975

Entrée en vigueur : *2 janvier 1975 par l'échange desdites notes, conformément à leurs dispositions*

Textes authentiques : *anglais et français*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *Canada, 1^{er} avril 2018*

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[ENGLISH TEXT - TEXTE ANGLAIS]

II



TANZANIA HIGH COMMISSION
OTTAWA

TZO/D.40/1/156

Ottawa, 2 January 1975

Excellency:

I have the honour to refer to your Note of December 19, 1974 concerning the question of liability for damage with respect to a program for training pilots of the Tanzania Peoples Defence Force at Mon-Del Aviation Ltd., St. Hubert, P.Q., scheduled to commence on November 15, 1974.

I am pleased to confirm that to the extent such damages are not established to be the responsibility of a private insurance company under any insurance contract, the Government of the Republic of Tanzania agrees to accept full responsibility for all damages resulting directly or indirectly from any act or omission of a member of the defence forces of the Republic of Tanzania who is in Canada for the purpose of participating in the above-mentioned flight training course. In the event of any dispute regarding responsibility for such damages, the decision of an appropriate Canadian court shall be considered final and the Government of the Republic of Tanzania agrees to submit both to the jurisdiction and to the judgement of such a Canadian court.

The Government of the Republic of Tanzania also confirms that it agrees to indemnify and hold harmless the Government of Canada from any and all liability resulting directly or indirectly from acts or omissions of a member of the defence forces of the Republic of Tanzania who is in Canada for the purpose of participating in the above-mentioned flight training course.

The Government of the Republic of Tanzania also agrees with your Excellency's proposal that your Excellency's Note together with this reply shall constitute an agreement between our two governments which shall enter into force on the second day of January in the year 1975.

Accept, Excellency, the assurance of my highest consideration.

Frederick Rutakyamirwa
High Commissioner

The Honourable Allan MacEwen
Secretary of State for External Affairs
House of Commons
Ottawa, Ontario

ATTENTION: Lt-Col. P. Ranger
Defence Relations Division

I

Ottawa, December 19, 1974

No. FLA-743

Excellency,

I have the honour to refer to the question of liability for damages with respect to a programme for training pilots of the Tanzania Peoples Defence Force at Won-Del Aviation Ltd., St. Hubert, P.Q., scheduled to commence on November 15, 1974.

Won-Del Aviation Ltd. is a party to a private insurance contract. A copy of this contract is attached. However, should an accident occur involving a member of the Tanzania Peoples Defence Force, this private insurance contract might not cover all liability and if that accident were the result of a student pilot flying outside normal flight regulations, the possibility exists that the insurance company might hold the pilot responsible and liable. Moreover, the above-mentioned insurance policy only relates to accidents involving Won-Del Aviation Ltd. aircraft.

His Excellency
Frederick Rutakyamirwa,
High Commissioner of the
United Republic of Tanzania,
OTTAWA.

Consequently, the Government of Canada would be grateful for confirmation that, to the extent such damages are not established to be the responsibility of a private insurance company under any insurance contract, the Government of the United Republic of Tanzania agrees to accept full responsibility for all damages resulting directly or indirectly from any act or omission of a member of the Tanzania Peoples Defence Force who is in Canada for the purpose of participating in the flight training programme. In the event of any dispute regarding responsibility for such damages, the decision of an appropriate Canadian court shall be considered final and the Government of the United Republic of Tanzania agrees to submit both to the jurisdiction and to the judgement of such a Canadian court. The Government of Canada would also be grateful for confirmation that the Government of the United Republic of Tanzania agrees to indemnify and hold harmless the Government of Canada from any and all liability resulting directly or indirectly from acts or omissions of any member of the Tanzania Peoples Defence Force participating in the above-mentioned flight training course in Canada.

I have the honour to propose that, if the foregoing is acceptable to the Government of the United Republic of Tanzania, this Note, which is authentic in English and French, together with your Excellency's reply, shall constitute an agreement between the Government of the United Republic of Tanzania and