

N° 4593.

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ÉTATS-UNIS D'AMÉRIQUE  
ET GRANDE-BRETAGNE  
ET IRLANDE DU NORD

Echange de notes comportant un accord relatif  
à l'administration des îles de Canton et  
d'Enderbury. Washington, le 6 avril 1939.

*Texte officiel anglais communiqué par le secrétaire d'Etat aux Affaires étrangères  
de Sa Majesté en Grande-Bretagne et l'envoyé extraordinaire et ministre  
plénipotentiaire des Etats-Unis d'Amérique à Berne. L'enregistrement a  
eu lieu le 7 juin 1939.*

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UNITED STATES OF AMERICA  
AND GREAT BRITAIN  
AND NORTHERN IRELAND

Exchange of Notes constituting an Agreement  
regarding the Administration of the Islands  
of Canton and Enderbury. Washington,  
April 6th, 1939.

*English official text communicated by His Majesty's Secretary of State for  
Foreign Affairs in Great Britain and by the Envoy Extraordinary and  
Minister Plenipotentiary of the United States of America at Berne. The  
registration took place June 7th, 1939.*

No. 4593. — EXCHANGE OF NOTES<sup>1</sup> BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND HIS MAJESTY'S GOVERNMENT IN THE UNITED KINGDOM CONSTITUTING AN AGREEMENT REGARDING THE ADMINISTRATION OF THE ISLANDS OF CANTON AND ENDERBURY. WASHINGTON, APRIL 6TH, 1939.

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I. MR. CORDELL HULL TO SIR R. LINDSAY.

DEPARTMENT OF STATE.

EXCELLENCY,

WASHINGTON, *April 6th*, 1939.

With reference to recent correspondence between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland concerning Canton and Enderbury Islands in the South Pacific Ocean, I have the honour to propose an Agreement concerning these islands in the following terms :

I.

The Government of the United States and the Government of the United Kingdom, without prejudice to their respective claims to Canton and Enderbury Islands, agree to a joint control over these islands.

II.

The islands shall, during the period of joint control, be administered by a United States and a British official appointed by their respective Governments. The manner in which these two officials shall exercise the powers of administration reserved to them under this paragraph shall be determined by the two Governments in consultation as occasion may require.

III.

The islands shall, during the period of joint control, be subject to a special joint *ad hoc* régime the details of which shall be determined by the two Governments in consultation from time to time.

IV.

The islands shall be available for communications and for use as airports for international aviation, but only civil aviation companies incorporated in the United States of America or in any part of the British Commonwealth of Nations shall be permitted to use them for the purpose of scheduled air services.

V.

The use of any part of either of the islands or their territorial waters for aviation purposes, except as herein agreed upon, or for any other purpose shall be the subject of agreement between the two Governments.

VI.

An airport may be constructed and operated on Canton Island by an American company or companies, satisfactory to the United States Government, which, in return for an agreed fee,

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<sup>1</sup> Came into force April 6th, 1939.

shall provide facilities for British aircraft and British civil aviation companies equal to those enjoyed by United States aircraft and by such American company or companies. In case of dispute as to fees, or the conditions of use by British aircraft or by British civil aviation companies, the matter shall be settled by arbitration.

## VII.

The joint control hereby set up shall have a duration of fifty years from this day's date. If no agreement to the contrary is reached before the expiration of that period the joint control shall continue thereafter until such time as it may be modified or terminated by the mutual consent of the two Governments.

I have the honour to suggest that if an Agreement in the sense of the foregoing paragraphs is acceptable to the Government of the United Kingdom this Note and Your Excellency's reply thereto in similar terms shall be regarded as placing on record the understanding arrived at between the two Governments concerning this matter.

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

Cordell HULL.

His Excellency The Right Honorable  
Sir Ronald Lindsay, P.C., G.C.M.G., K.C.B., C.V.O.,  
British Ambassador.

## II. SIR R. LINDSAY TO MR. CORDELL HULL.

BRITISH EMBASSY.

No. 391.

SIR,

WASHINGTON, D. C., April 6th, 1939.

I have the honour to refer to your Note of this day's date proposing an Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America on the subject of Canton and Enderbury Islands in the following terms :

## I.

The Government of the United States and the Government of the United Kingdom, without prejudice to their respective claims to Canton and Enderbury Islands, agree to a joint control over these islands.

## II.

The islands shall, during the period of joint control, be administered by a United States and a British official appointed by their respective Governments. The manner in which these two officials shall exercise the powers of administration reserved to them under this paragraph shall be determined by the two Governments in consultation as occasion may require.

## III.

The islands shall, during the period of joint control, be subject to a special joint *ad hoc* régime the details of which shall be determined by the two Governments in consultation from time to time.

## IV.

The islands shall be available for communications and for use as airports for international aviation, but only civil aviation companies incorporated in the United States of America or in any part of the British Commonwealth of Nations shall be permitted to use them for the purpose of scheduled air services.

## V.

The use of any part of either of the islands or their territorial waters for aviation purposes, except as herein agreed upon, or for any other purpose shall be the subject of agreement between the two Governments.

## VI.

An airport may be constructed and operated on Canton Island by an American company or companies, satisfactory to the United States Government, which, in return for an agreed fee, shall provide facilities for British aircraft and British civil aviation companies equal to those enjoyed by United States aircraft and by such American company or companies. In case of dispute as to fees, or the conditions of use by British aircraft or by British civil aviation companies, the matter shall be settled by arbitration.

## VII.

The joint control hereby set up shall have a duration of fifty years from this day's date. If no agreement to the contrary is reached before the expiration of that period the joint control shall continue thereafter until such time as it may be modified or terminated by the mutual consent of the two Governments.

I have the honour to inform you that an Agreement in the terms of the foregoing paragraphs is acceptable to the Government of the United Kingdom and that this Note, and your Note under reference, will be regarded as placing on record the understanding arrived at between the two Governments concerning this matter.

I have the honour to be, with the highest consideration, Sir, your most obedient, humble servant.

R. C. LINDSAY.

The Honourable Cordell Hull,  
Secretary of State of the United States,  
Washington, D. C.

Certified to be a true and complete textual copy of the original Agreement in the sole language in which it was signed.

For the Secretary  
of State of the United States of America :

Edward Yardley,  
*Director of Personnel.*