

No. 1697

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
and
UNITED STATES OF AMERICA**

**Agreement (with attached map and exchange of notes)
concerning the extension of the Bahamas Long Range
Proving Ground by the establishment of additional
sites in the Turks and Caicos Islands. Signed at
Washington, on 15 January 1952**

Official text: English.

*Registered by the United Kingdom of Great Britain and Northern Ireland on
7 April 1952.*

**ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD
et
ÉTATS-UNIS D'AMÉRIQUE**

**Accord (avec carte en annexe et échange de notes) relatif
à l'extension du Centre d'essai des îles Bahama pour
engins téléguidés à longue portée par l'aménagement
de nouveaux terrains dans les îles Turques et Caïques.
Signé à Washington, le 15 janvier 1952**

Texte officiel anglais.

*Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le
7 avril 1952.*

No. 1697. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA CONCERNING THE EXTENSION OF THE BAHAMAS LONG RANGE PROVING GROUND BY THE ESTABLISHMENT OF ADDITIONAL SITES IN THE TURKS AND CAICOS ISLANDS. SIGNED AT WASHINGTON, ON 15 JANUARY 1952

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America,

Taking into account the Agreement signed at Washington on 21st July, 1950,² between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America, with the concurrence of the Government of the Bahama Islands, concerning a Long Range Proving Ground for guided missiles to be known as The Bahamas Long Range Proving Ground, consisting of a Main Base and Launching Area in the vicinity of Cape Canaveral, Florida, United States of America, and of a Flight Testing Range, extending to the south-east from the Launching Area through the Bahama Islands and the waters adjacent thereto,

Reaffirming their decision that the said Proving Ground should be used by the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America for testing the flight of guided missiles and associated equipment and for training with such missiles and equipment,

Desiring that the limits of the said Proving Ground should be extended to include the territory of the Turks and Caicos Islands and the waters adjacent thereto; and that the provisions set forth below for that purpose should be fulfilled in a spirit of good neighbourliness between the Governments concerned, and that details of their practical application should be arranged by friendly co-operation,

Have agreed as follows :—

¹ Came into force on 15 January 1952, as from the date of signature, in accordance with article XXVI.

² United Nations, *Treaty Series*, Vol. 97, p. 193.

ARTICLE I

Definitions

For the purposes of this Agreement—

- (1) "Range Area" means that part of the Flight Testing Range which lies within the territory of the Turks and Caicos Islands (including the territorial waters thereof).
- (2) "United States authorities" means the authority or authorities from time to time authorised or designated, by the Government of the United States of America, for the purpose of exercising the powers in relation to which the expression is used.
- (3) "United States Forces" means the Armed Forces of the United States of America, and "member of the United States Forces" means a member of those forces who is entitled to wear the uniform thereof.
- (4) "Flight Testing Range" means the area within the blue and hatched line drawn on the attached map, adjoining and extending the area within the red and hatched line as defined in the Agreement of 21st July, 1950.
- (5) "National of the United States" means a citizen of the United States or a person who, though not a citizen of the United States, owes allegiance to the United States.
- (6) "British national" means any British subject or Commonwealth citizen or any British protected person, but shall not include a person who is both a British national and a member of the United States Forces.
- (7) "Local alien" means a person, not being a British national, a member of the United States Forces or a national of the United States, who is ordinarily resident in the Turks and Caicos Islands.
- (8) "Sites" means the Sites provided under Article IV of this Agreement so long as they are so provided.

ARTICLE II

General Description of Rights

- (1) Subject to the provisions of this Article, the Government of the United States of America shall have the right in the Range Area—
- (a) to launch, fly and land guided missiles;
 - (b) to establish, maintain and use an instrumentation and a communications system including radar, radio, land lines and submarine cables for operational purposes in connexion with the Flight Testing Range;

(c) to operate such vessels and aircraft as may be necessary for purposes connected directly with the operation of the Flight Testing Range.

(2) No wireless station, submarine cable, land line or other installation shall be established by the United States Authorities within the Range Area except at such place or places as may be agreed between the Contracting Governments, provided that such agreement shall not be required in respect of any wireless station, submarine cable, land line or other installation to be established within a Site.

(3) No submarine cable or wireless station shall be established or used by the United States Authorities in the Range Area otherwise than for the purpose of operating the Flight Testing Range.

(4) When submarine cables established in accordance with paragraph (1) of this Article are no longer required for the purposes of this Agreement, their disposal or further use shall be subject to consultation between the Contracting Governments and, in the absence of agreement, they shall be removed by and at the expense of the Government of the United States of America.

(5) The use of radio frequencies, powers and band widths, for radio services (including radar), under any of the provisions of this Agreement, shall be subject to the prior concurrence of the Senior Member of the British Armed Forces posted to the Bahamas Long Range Proving Ground.

(6) The Contracting Governments shall, in consultation with the Government of the Turks and Caicos Islands, take all reasonable precautions against possible danger and damage resulting from operations under this Agreement in the Flight Testing Range.

(7) The rights granted to the Government of the United States of America by this Article shall not be exercised unreasonably or so as to interfere with or to prejudice the safety of navigation, aviation or communication within the Flight Testing Range and the rights so granted shall be exercised in the spirit of the last paragraph of the Preamble.

ARTICLE III

Rights of Way

The Government of the United Kingdom of Great Britain and Northern Ireland shall, after consultation with the Government of the Turks and Caicos Islands, provide to the Government of the United States of America such rights of way as may be agreed to be necessary for the operation of the Flight Testing Range.

ARTICLE IV

Provision of Sites

(1) The Government of the United Kingdom shall, after consultation with the Government of the Turks and Caicos Islands, provide so long as this Agreement remains in force such Sites for the purpose of the operation of the Flight Testing Range as may be agreed between the Contracting Governments to be necessary for that purpose. When it is agreed between the Contracting Governments that any Site provided under this Article is no longer necessary for the purpose of the operation of the Flight Testing Range, the Government of the United Kingdom shall be entitled to cease to provide the Site for that purpose.

(2) Access to the Sites shall not be permitted to persons not officially connected with the Bahamas Long Range Proving Ground except with the consent of the Senior Member of the British Armed Forces posted to the Bahamas Long Range Proving Ground and the Senior Member of the United States Armed Forces detailed to the said Proving Ground.

ARTICLE V

Jurisdiction

(1) The Government of the United States of America shall have the right to exercise the following jurisdiction over offences committed in the Turks and Caicos Islands :—

(a) Where the accused is a member of the United States Forces—

- (i) if a state of war exists, exclusive jurisdiction over all offences wherever committed;
- (ii) if a state of war does not exist, exclusive jurisdiction over security offences wherever committed and United States interest offences committed inside the Sites; concurrent jurisdiction over all other offences wherever committed.

(b) Where the accused is a British national or a local alien and a civil court of the United States is sitting in the Turks and Caicos Islands, exclusive jurisdiction over security offences committed inside the Sites.

(c) Where the accused is not a member of the United States Forces, a British national or a local alien, but is a person subject to United States military or naval law—

- (i) if a state of war exists, exclusive jurisdiction over security offences committed inside the Sites and United States interest offences committed inside the Sites; concurrent jurisdiction over all other offences wherever committed;

- (ii) if a state of war does not exist and there is no civil court of the United States sitting in the Turks and Caicos Islands, exclusive jurisdiction over security offences which are not punishable under law of the Turks and Caicos Islands; concurrent jurisdiction over all other offences committed inside the Sites;
 - (iii) if a state of war does not exist and a civil court of the United States is sitting in the Turks and Caicos Islands, exclusive jurisdiction over security offences committed inside the Sites; concurrent jurisdiction over all other offences wherever committed.
- (d) Where the accused is not a member of the United States Forces, a British national or a local alien, and is not a person subject to United States military or naval law, and a civil court of the United States is sitting in the Turks and Caicos Islands, exclusive jurisdiction over security offences committed inside the Sites; concurrent jurisdiction over all other offences committed inside the Sites and, if a state of war exists, over security offences committed outside the Sites.
- (2) Wherever, under paragraph (1) of this Article, the Government of the United States of America has the right to exercise exclusive jurisdiction over security offences committed inside the Sites, such right shall extend to security offences committed outside the Sites which are not punishable under the law of the Turks and Caicos Islands.
- (3) In every case in which under this Article the Government of the United States of America has the right to exercise jurisdiction and the accused is a British national, a local alien or, being neither a British national nor a local alien, is not a person subject to United States military or naval law, such jurisdiction shall be exercisable only by a civil court of the United States sitting in the Turks and Caicos Islands.
- (4) In every case in which under this Article the Government of the United States of America has the right to exercise exclusive jurisdiction, the following provisions shall have effect :—
- (a) The United States authorities shall inform the Government of the Turks and Caicos Islands as soon as is practicable whether or not they elect to exercise such jurisdiction over any alleged offences which may be brought to their attention by the competent authorities of the Turks and Caicos Islands or in any other case in which the United States authorities are requested by the competent authorities of the Turks and Caicos Islands to furnish such information.

- (b) If the United States authorities elect to exercise such jurisdiction, the accused shall be brought to trial accordingly, and the courts of the Turks and Caicos Islands shall not exercise jurisdiction except in aid of a court or authority of the United States, as required or permitted by the law of the Turks and Caicos Islands.
 - (c) If the United States authorities elect not to exercise such jurisdiction, and if it shall be agreed between the Government of the Turks and Caicos Islands and the United States authorities that the alleged offender shall be brought to trial, nothing in this Article shall affect the exercise of jurisdiction by the courts of the Turks and Caicos Islands in the case.
- (5) In every case in which under this Article the Government of the United States of America has the right to exercise concurrent jurisdiction, the following provisions shall have effect :—
- (a) The case shall be tried by such court as may be arranged between the Government of the Turks and Caicos Islands and the United States authorities.
 - (b) Where an offence is within the jurisdiction of a civil court of the Turks and Caicos Islands and of a United States military or naval court, conviction or acquittal of the accused by one such court shall not exclude subsequent trial by the other, but in the event of such subsequent trial the court in awarding punishment shall have regard to any punishment awarded in the previous proceedings.
 - (c) Where the offence is within the jurisdiction of a civil court of the Turks and Caicos Islands and of a civil court of the United States, trial by one shall exclude trial by the other.
- (6) Notwithstanding anything contained elsewhere in this Article, when a state of war exists in which the Government of the United Kingdom is, and the Government of the United States of America is not, engaged, then in any case in which the Government of the United States of America would, but for this paragraph, have exclusive jurisdiction, that jurisdiction shall be concurrent in respect of any of the following offences against any part of His Majesty's dominions committed outside the Sites or, if not punishable by the Government of the United States of America in the Turks or Caicos Islands, inside the Sites—
- (a) treason;
 - (b) any offence of the nature of sabotage or espionage or against any law relating to official secrets;

- (c) any other offence relating to operations in the Turks and Caicos Islands of the Government of any part of His Majesty's dominions, or to the safety of His Majesty's naval, military or air bases or establishments or any part thereof or of any equipment or other property of any such Government in the Turks and Caicos Islands.

(7) Nothing in this Article shall give the Government of the United States of America the right to exercise jurisdiction over a member of a United Kingdom, Dominion or Colonial armed force, except that, if a civil court of the United States is sitting in the Turks and Caicos Islands and a state of war does not exist or a state of war exists in which the Government of the United States of America is, and the Government of the United Kingdom is not, engaged, the Government of the United States of America shall have the right, where the accused is a member of any such force, to exercise concurrent jurisdiction over security offences committed inside the Sites.

(8) Nothing in this Article shall affect the jurisdiction of a civil court of the Turks and Caicos Islands except as expressly provided in this Article.

(9) In this Article the following expressions shall have the meanings hereby assigned to them :—

- (a) "Security offence" means any of the following offences against the Government of the United States of America and punishable under the law of the United States of America—
- (i) treason;
 - (ii) any offence of the nature of sabotage or espionage or against any law relating to official secrets;
 - (iii) any other offence relating to operations, in the Turks and Caicos Islands, of the Government of the United States of America, or to the safety of any equipment or other property of the Government of the United States of America in the Turks and Caicos Islands.
- (b) "State of war" means a state of actual hostilities in which either the Government of the United Kingdom or the Government of the United States of America is engaged and which has not been formally terminated, as by surrender.
- (c) "United States interest offence" means an offence which (excluding the general interest of the Government of the Turks and Caicos Islands in the maintenance of law and order therein) is solely against the interests of the Government of the United States of America or against any person (not being a British national or local alien) or property (not being property of a British national or local alien) present in the

Turks and Caicos Islands by reason only of service or employment in connexion with the construction, maintenance, operation, or defence of the Flight Testing Range.

ARTICLE VI

Security Legislation

The Government of the Turks and Caicos Islands will take such steps as may from time to time be agreed to be necessary with a view to the enactment of legislation to ensure the adequate security and protection of the Sites and United States equipment and other property, and the operations of the United States under this Agreement and the punishment of persons who may contravene any laws or regulations made for that purpose. The Government of the Turks and Caicos Islands will also from time to time consult with the United States authorities in order that the laws and regulations of the United States of America and of the Turks and Caicos Islands in relation to such matters may, so far as circumstances permit, be similar in character.

ARTICLE VII

Arrest and Service of Process

(1) No arrest of a person who is a member of the United States Forces or who is a national of the United States subject to United States military or naval law shall be made and no process, civil or criminal, shall be served on any such person within any Site except with the permission of the Commanding Officer in charge of the United States Forces in such Site; but should the Commanding Officer refuse to grant such permission he shall (except where, under Article V, jurisdiction is to be exercised by the United States or is not exercisable by the courts of the Turks and Caicos Islands) forthwith take the necessary steps to arrest the person charged and surrender him to the appropriate authority of the Turks and Caicos Islands or to serve such process, as the case may be, and to provide for the attendance of the server of such process before the appropriate court of the Turks and Caicos Islands or procure such server to make the necessary affidavit or declaration to prove such service.

(2) In cases where the courts of the United States have jurisdiction under Article V, the Government of the Turks and Caicos Islands will on request give reciprocal facilities as regards the service of process and the arrest and surrender of persons charged.

(3) In this Article the expression "process" includes any process by way of summons, subpœna, warrant, writ or other judicial document for securing

the attendance of a witness, or for the production of any documents or exhibits, required in any proceedings, civil or criminal.

ARTICLE VIII

Right of Audience for United States Counsel

In cases in which a member of the United States Forces shall be a party to civil or criminal proceedings in any court of the Turks and Caicos Islands by reason of some alleged act or omission arising out of or in the course of his official duty, United States counsel (authorised to practice before the courts of the United States) shall have the right of audience, provided that such counsel is in the service of the Government of the United States of America and appointed for that purpose either generally or specially by the appropriate authority.

ARTICLE IX

Surrender of Persons Charged

Where a person charged with an offence which falls to be dealt with by the courts of the Turks and Caicos Islands is in a Site, or a person charged with an offence which falls under Article V to be dealt with by courts of the United States is in the Turks and Caicos Islands but outside the Sites, such person shall be surrendered to the Government of the Turks and Caicos Islands, or to the United States authorities, as the case may be, in accordance with special arrangements made between that Government and those authorities.

ARTICLE X

Public Services

The Government of the United States of America shall have the right to employ and use all utilities, services and facilities, harbours, road, highways, bridges, viaducts, canals and similar channels of transportation belonging to or controlled or regulated by the Government of the Turks and Caicos Islands or the Government of the United Kingdom on such conditions as shall be agreed between the Contracting Governments.

ARTICLE XI

Shipping and Aviation

(1) The Government of the United States of America may place or establish in the Sites and the territorial waters adjacent thereto, or in the vicinity thereof,

lights and other aids to navigation of vessels and aircraft necessary for the operation of the Flight Testing Range. Such lights and other aids shall conform to the system in use in the Turks and Caicos Islands. The position, characteristics and any alterations thereof shall be determined in consultation with the appropriate authority in the Turks and Caicos Islands and the Senior Member of the British Armed Forces posted to the Bahamas Long Range Proving Ground.

(2) United States public vessels operated by the Army, Navy, Air Force, Coast Guard or the Coast and Geodetic Survey bound to or departing from a Site shall not be subject to compulsory pilotage in the Turks and Caicos Islands. If a pilot is taken, pilotage shall be paid for at appropriate rates. Such United States public vessels shall have such exemption from light and harbour dues in the Turks and Caicos Islands as shall be agreed between the Contracting Governments.

(3) Commercial aircraft shall not be authorised to operate from any of the Sites (save in case of emergency or for strictly military purposes under supervision of the Army, Navy or Air Force Departments) except by agreement between the Government of the United Kingdom and the Government of the United States of America.

ARTICLE XII

Immigration

(1) The immigration laws of the Turks and Caicos Islands shall not operate or apply so as to prevent admission into the Turks and Caicos Islands, for the purposes of this Agreement, of any member of the United States Forces posted to a Site or any person (not being a national of a Power at war with His Majesty The King) employed by, or under a contract with, the Government of the United States of America in connexion with the establishment, maintenance, or use of the Flight Testing Range; but suitable arrangements shall be made by the United States to enable such persons to be readily identified and their status to be established.

(2) If the status of any person within the Turks and Caicos Islands and admitted thereto under the foregoing paragraph shall be altered so that he would no longer be entitled to such admission, the United States authorities shall notify the Government of the Turks and Caicos Islands and shall, if such person be required to leave the Turks and Caicos Islands by that Government, be responsible for providing him with a passage from the Turks and Caicos Islands within a reasonable time, and shall in the meantime prevent his becoming a public responsibility of the Turks and Caicos Islands.

ARTICLE XIII

Motor Vehicle Taxes

No tax or fee shall be payable in respect of registration or licensing for use in the Turks and Caicos Islands of motor vehicles belonging to the Government of the United States of America and used for purposes connected directly with the establishment, maintenance, or use of the Flight Testing Range.

ARTICLE XIV

Customs Duties and Other Taxes on Goods

(1) No import, excise, consumption or other tax, duty or import shall be charged on—

- (a) material, equipment, supplies or goods for use in the establishment, maintenance, or use of the Flight Testing Range consigned to, or destined for, the United States authorities or a contractor;
- (b) goods for use or consumption aboard United States public vessels or aircraft of the Army, Navy, Air Force, Coast Guard or Coast and Geodetic Survey;
- (c) goods consigned to the United States authorities for the use of institutions under Government control known as Post Exchanges, Ships' Service Stores, Commissary Stores or Service Clubs, or for sale thereat to members of the United States Forces, or civilian employees of the United States being nationals of the United States and employed in connexion with the Flight Testing Range, or members of their families resident with them and not engaged in any business or occupation in the Turks and Caicos Islands;
- (d) the personal belongings or household effects of persons referred to in sub-paragraph (c) of this Article and of contractors and their employees being nationals of the United States employed in the establishment, maintenance, or use of the Flight Testing Range and present in the Turks and Caicos Islands by reason only of such employment.

(2) No export tax shall be charged on the material, equipment, supplies or goods mentioned in paragraph (1) in the event of re-shipment from the Turks and Caicos Islands.

(3) This Article shall apply notwithstanding that the material, equipment, supplies or goods pass through other parts of the Turks and Caicos Islands *en route* to or from a Site.

(4) Administrative measures shall be taken by the United States authorities to prevent the disposal, whether by resale or otherwise, of goods which are sold under paragraph (1) (c), or imported under paragraph (1) (d) of this Article, to persons not entitled to buy goods at such Post Exchanges, Ships' Service Stores, Commissary Stores or Service Clubs, or not entitled to free importation under the said paragraph (1) (d); and generally to prevent abuse of the customs privileges granted under this Article. There shall be co-operation between such authorities and the Government of the Turks and Caicos Islands to this end.

(5) The understanding with respect to paragraph (1) (d) of Article XIV of the Agreement for the Use and Operation of Certain Bases, signed 27th March, 1941,¹ embodied in the notes exchanged by the Contracting Governments at Washington on 18th January, 1946, and 21st February, 1946, the texts of which are annexed hereto,² is hereby made applicable to this Article, subject to the substitution of the word "disposal" for the word "resale" in paragraph (a) of that understanding.

ARTICLE XV

Taxation

(1) No member of the United States Forces or national of the United States, serving or employed in the Turks and Caicos Islands in connexion with the establishment, maintenance or use of the Flight Testing Range, and residing in the Turks and Caicos Islands by reason only of such employment, or his wife or minor children, shall be liable to pay income tax in the Turks and Caicos Islands except in respect of income derived from the Turks and Caicos Islands.

(2) No such person shall be liable to pay in the Turks and Caicos Islands any poll tax or similar tax on his person, or any tax on ownership or use of property which is within a Site, or situated outside the Turks and Caicos Islands.

(3) No person ordinarily resident in the United States shall be liable to pay income tax in the Turks and Caicos Islands in respect of any profits derived under a contract made in the United States with the Government of the United States of America in connexion with the establishment, maintenance or use of the Flight Testing Range, or any tax in the nature of a licence in respect of any service or work for the Government of the United States of America in connexion with the establishment, maintenance or use of the Flight Testing Range.

¹ League of Nations, *Treaty Series*, Vol. CCIV, p. 15.

² Not annexed. See United Nations, *Treaty Series*, Vol. 6, p. 137.

ARTICLE XVI

Postal Facilities

The Government of the United States of America shall have the right to establish United States Military Post Offices in the Sites for the exclusive use of the United States Forces, and civilian personnel (including contractors and their employees) who are nationals of the United States and employed in connexion with the establishment, maintenance or use of the Flight Testing Range and the families of such persons, for domestic use between United States Military Post Offices in the Sites and between such Post Offices and other United States Post Offices and Post Offices in the Panama Canal Zone and the Philippine Islands.

ARTICLE XVII

Health Measures in the Vicinity of the Sites

The Government of the United States of America shall have the right, in collaboration with the Government of the Turks and Caicos Islands, and, where necessary, with the local authority concerned, to exercise, without other consideration than adequate and effective compensation to be paid by the Government of the United States of America to private owners or occupiers, if any, such powers as such Government and local authority may possess of entering upon any property in the vicinity of the Sites for the purpose of inspection, and of taking any necessary measures to improve sanitation and protect health.

ARTICLE XVIII

Removal of Property

(1) The title to any property placed on the Sites (including property affixed to the realty) and provided by the Government of the United States of America for the purposes of this Agreement, shall remain in the Government of the United States of America.

(2) At any time before the termination of this Agreement or within a reasonable time thereafter, such property may, at the discretion of the Government of the United States of America be—

- (a) relocated within the Sites, or
- (b) removed therefrom, or
- (c) disposed of while on a Site on the condition (unless otherwise agreed between the Government of the Turks and Caicos Islands and the United States authorities) that it shall forthwith be removed therefrom.

(3) Any ground from which such property is so removed, shall be restored, as far as possible, to its present condition by the Government of the United States of America.

(4) The Government of the United States of America will not, in the Turks and Caicos Islands, dispose of any such property—

- (a) without the consent of the Government of the Turks and Caicos Islands, or
- (b) without offering the property for sale to that Government, if such offer is consistent with laws of the United States of America then in effect, or
- (c) before the expiration of such period, not being less than 120 days after the date of such offer, as may be reasonable in the circumstances.

(5) Such property may be exported by the United States authorities free from any licence, export tax, duty, or impost.

(6) Any such property not removed or disposed of as aforesaid within a reasonable time after the termination of this Agreement, shall become the property of the Government of the Turks and Caicos Islands.

ARTICLE XIX

Rights to be Restricted to the Purposes of the Agreement

The Government of the United States of America shall not exercise any rights granted by this Agreement, or permit the exercise thereof, except for the purposes specified in this Agreement.

ARTICLE XX

Rights not to be Assigned

The Government of the United States of America shall not assign or part with any of the rights granted by this Agreement.

ARTICLE XXI

Liaison

The Senior Member of the British Armed Forces posted to the Bahamas Long Range Proving Ground and the Senior Member of the United States Armed Forces detailed to the said Proving Ground shall jointly decide the details of the execution of this Agreement in its application to specific situations, in the best interests of all concerned. The said Senior Member of the British Armed Forces shall be responsible for undertaking negotiations with the Government of the Turks and Caicos Islands in this connexion.

ARTICLE XXII

Claims for Compensation

(1) The Government of the United States of America undertakes to pay adequate and effective compensation, which shall not be less than the sum payable under the laws of the Turks and Caicos Islands, and to indemnify the Governments of the United Kingdom and of the Turks and Caicos Islands and all other authorities, corporations and persons in respect of valid claims arising out of—

- (a) the death or injury of any person, except persons employed by the Government of the United Kingdom in connexion with the Bahamas Long Range Proving Ground, resulting from the establishment, maintenance or use by the Government of the United States of America of the Flight Testing Range;
- (b) damage to property resulting from any action of the Government of the United States of America in connexion with the establishment, maintenance or use of the Flight Testing Range;
- (c) the acquisition of private property, or of rights affecting private property, to enable the Sites, or any rights of the Government of the United States of America under this Agreement, to be provided.

(2) Compensation payable under sub-paragraph 1 (c) of this Article shall be assessed in accordance with the laws of the Turks and Caicos Islands.

(3) For the purposes of this Article the laws of the Turks and Caicos Islands shall be the laws in force at the time of the signature of this Agreement, provided that any subsequent alteration of the said laws shall have effect if the Contracting Governments so agree.

ARTICLE XXIII

Freedom from Rents and Charges

Except as provided in Articles XVII and XXII the Sites shall be provided, and the rights of the Government of the United States of America under this Agreement shall be made available, free from all rent and charges to the Government of the United States of America.

ARTICLE XXIV

Modification of the Agreement

Modification of this Agreement shall be considered by the Contracting Governments in the light of any modification of the Agreement between the Governments of the United Kingdom and the United States of America relating

to the Bases leased to the United States of America dated 27th of March, 1941, which may be made under Article XXVIII of that Agreement.

ARTICLE XXV

Implementation of the Agreement

(1) The Government of the Turks and Caicos Islands and the Government of the United States of America, respectively, will do all in their power to assist each other in giving full effect to the provisions of this Agreement according to its tenor and will take all appropriate steps to that end.

(2) During the period for which this Agreement remains in force, no laws of the Turks and Caicos Islands which would derogate from or prejudice any of the rights conferred on the Government of the United States of America by this Agreement shall be applicable within the Range Area, save with the concurrence of the Government of the United States of America.

ARTICLE XXVI

Final Provisions

This Agreement shall come into force on the date of signature and shall continue in force until the 20th day of July, 1975, and thereafter until one year from the day on which either Contracting Government shall give notice to the other of its intention to terminate the Agreement.

IN WITNESS WHEREOF the undersigned being duly authorised thereto by their respective Governments have signed this Agreement.

DONE in duplicate at Washington this fifteenth day of January, 1952.

For the Government of the United Kingdom of
Great Britain and Northern Ireland :

Oliver FRANKS

For the Government of the United States
of America :

Dean ACHESON

EXCHANGE OF NOTES

I

*The United States Secretary of State to His Majesty's Ambassador at
Washington*

DEPARTMENT OF STATE

Washington, 15th January, 1952

Excellency :

I have the honor to refer to the Agreement concerning the Extension of the Bahamas Long Range Proving Ground by the establishment of additional sites in the Turks and Caicos Islands, signed to-day, and to inform you that the Government of the United States of America agrees (1) that the rate of wages to be paid to persons ordinarily resident in the Turks and Caicos Islands who may be employed on work performed under the Agreement shall be determined from time to time by agreement among the Senior Member of the British Armed Forces posted to the Bahamas Long Range Proving Ground, and the Senior Member of the United States Armed Forces detailed to the said Proving Ground, and the Commissioner of the Turks and Caicos Islands, and (2) that persons ordinarily resident in the Turks and Caicos Islands will be employed on such work whenever it appears that they are available and qualified.

The Government of the United States of America further agrees that the United States authorities will consult from time to time with appropriate authorities of the Turks and Caicos Islands Dependency for the purpose of determining the extent of damage to the roads of the Islands caused by operations in connexion with the Long Range Proving Ground and the repairs necessary in connexion therewith to return the roads to their present condition. The United States will either make such repairs itself or reimburse the Dependency for such repairs.

If the Government of the United Kingdom agrees, I would suggest that the present Note and Your Excellency's reply should be regarded as placing on record the understanding of the two Governments in this matter.

Accept, &c.

Dean ACHESON

II

His Majesty's Ambassador at Washington to the United States
Secretary of State

BRITISH EMBASSY

Washington, D.C., 15th January, 1952

Sir,

I have the honour to acknowledge receipt of Your Excellency's Note of to-day's date, the terms of which are as follows :—

[*See note I*]

In reply, I have the honour to inform Your Excellency that the Government of the United Kingdom of Great Britain and Northern Ireland agree to this understanding, and, in accordance with Your Excellency's suggestion, Your Excellency's Note and this reply will be regarded as placing on record the understanding between the two Governments in this matter.

I avail, &c.

Oliver FRANKS

III

His Majesty's Ambassador at Washington to the United States
Secretary of State

BRITISH EMBASSY

Washington, D.C., 15th January, 1952

Sir,

With reference to the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America concerning the extension of the Bahamas Long Range Proving Ground by the establishment of additional sites in the Turks and Caicos Islands which was signed to-day, I have the honour to inform you, under instructions from His Majesty's Principal Secretary of State for Foreign Affairs, that certain provisions of the Agreement will require to be implemented by future legislation. While, therefore, legislation for this purpose will be introduced at the earliest opportunity, the Government of the United States of America will understand that the obligation imposed upon His Majesty's Government by the provisions to which I have referred will be subject to the passage of the necessary legislation.

I avail, &c.

Oliver FRANKS

IV

*The United States Secretary of State to His Majesty's Ambassador at
Washington*

DEPARTMENT OF STATE

Washington, 15th January, 1952

Excellency :

I have the honor to acknowledge the receipt of your Note of to-day's date stating that certain provisions of the Agreement concerning the extension of the Bahamas Long Range Proving Ground by the establishment of additional sites in the Turks and Caicos Islands, which was signed to-day, will need to be implemented by future legislation.

Due note has been taken of this requirement. The Government of the United States of America is glad to know that legislation for this purpose will be introduced at the earliest opportunity.

Accept, &c.

Dean ACHESON